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## Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

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

Let us pray.

Sovereign Guide of humanity, we come to You as Your pilgrims in need of direction. We come as Your soldiers in need of strength for life's battles. We come as Your disciples in need of knowledge in our perplexity. We come as Your ambassadors in need of grace to represent You with honor.

Today, as Senators serve as Your pilgrims, soldiers, disciples, and ambassadors, infuse them with wisdom. Provide them with insights for every challenge and help for every need.

We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

### RESERVATION OF LEADER TIME

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

### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 1 hour, with the first half of the time under the control of the Democratic leader or his designee, and the second half of the time under the control of the majority leader or his designee.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, in a couple minutes, we will begin 1 hour of debate prior to the scheduled cloture vote on the emergency supplemental appropriations bill. That vote should occur around 11 a.m. this morning. I expect cloture will be invoked today, and that will allow us a road to finish this bill on Wednesday. If cloture is invoked, Senators should anticipate further votes over the course of the day. The chairman and ranking member will be scheduling the votes on the pending amendments that qualify under the germaneness rules. We will also recess today for our weekly policy meetings.

### ORDER FOR RECESS

I now ask unanimous consent that the Senate recess from 12:15 p.m. to 2:30 p.m. today for those meetings and that the time be counted against cloture under rule XXII if cloture is invoked.

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

Mr. FRIST. Mr. President, Senators should expect a busy couple of days as we vote on the remaining appropriations amendments today and tomorrow.

Finally, I also remind my colleagues that Senators have until 10:30 this morning to file their second-degree amendments to the pending appropriations bill.

### EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. FRIST. Mr. President, today the Senate will vote on cloture for the emergency spending supplemental appropriations bill. The President has made it clear that he will veto any supplemental bill coming out of the com-

mittee that exceeds the administration's request. I applaud the President's determination to stick to true emergency spending, and I will support such a veto, if necessary, to keep that Federal spending under control. Families have to live within their means and so should we in Washington. I think we need to tighten the belt and follow a course of strict fiscal discipline.

The President has taken a strong stance on a must-pass piece of legislation that will bolster our national security, hurricane recovery, and border security efforts. I expect my colleagues to work in good faith to meet the President's request.

The President submitted his emergency spending request in late February. The House acted on the supplemental in March. The legislation needs to be on the President's desk before Memorial Day. It is time for us in the Senate to bring debate on this measure to a close. We need to support our troops who are fighting to protect us. We need to support our fellow citizens who are working hard to rebuild and recover their homes and communities on the gulf coast. We need to focus resources on securing our borders against illegal immigration.

That is what this vote is all about. These are extraordinary responsibilities, and we cannot, we should not play politics at such critical times. Time is limited. We must finish this legislation this week so we can quickly get a conference report with the House and get it to the President for his signature.

Indeed, by pulling together, we can move this legislation forward and address the critical work of the American people.

### RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

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



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## IMMIGRATION

Mr. REID. Mr. President, yesterday marked another day of peaceful, dignified rallies all over the country in support of comprehensive immigration reform. In fact, in Los Angeles, at the direction and suggestion of Cardinal Mahoney, many people stayed at work and at school. At his request, people met later in the day. Hundreds of thousands of people met at 5:30 p.m. in the day to talk about why it is important that we have peaceful, very powerful demonstrations. The reason: They underscore the need for Congress to pass a strong, comprehensive immigration reform bill.

Last Friday, I had the privilege of discussing this subject with Cardinal Mahoney, the archbishop of Los Angeles, and Cardinal McCarrick, the archbishop of Washington. For me, it was a very moving meeting. I appreciated the chance to visit with these two kind, thoughtful, and spiritual men. Both of them have been tremendous leaders on the issue of immigration. We all agreed that it is of utmost importance for Congress to move forward with the immigration reform bill this year as soon as possible.

Last week, I also had the opportunity to meet with a number of other Senators at the White House with President Bush. As I said after that meeting, I am not in the habit of patting the President on the back, but he deserved credit—and I said so publicly—for calling us together and for hosting a good bipartisan meeting. My hope is that this will continue.

I made clear to the President that Senators on this side of the aisle are committed to comprehensive immigration reform. I pledged to work with the President and the majority leader, as I have in the past, in a bipartisan way on this very important issue.

Every day we fail to fix the immigration system, it gets worse. I have said many times our current immigration system is broken, and it is. We supposedly fixed it 20 years ago, and in the process we have 11 million or 12 million illegal immigrants. We didn't do a good job of fixing it. We must do better. We must have a cohesive, coordinated effort to strengthen border security, create legal mechanisms for American companies to hire essential temporary employees, and encourage the 11 million or 12 million undocumented immigrants in our country to come out of the shadows and be part of America. We need to know who these people are and make sure they are productive, law-abiding, taxpaying members of the community. We must also have proper employer sanction enforcement so that employers do not hire undocumented aliens with impunity. That is so important.

But the question remains: How will we move forward in the Senate? Prior to the Easter recess, I tried, we tried to get agreement on the number of amendments. We couldn't. The best we could get is there were at least 2 dozen.

I tried to get an agreement on conference and couldn't do that.

Why is conference important? As we learned even in high school, when the Senate passes a bill and the House passes a bill on the same subject, the two bodies must meet and work out their differences. In the past, those have been public meetings where the two sides got together and worked out their differences. In recent years, with this Republican-dominated Congress and the President in the White House, conference committees have not been held. The Republican members of a particular committee meet in private with the leadership and come back with whatever they want, ignoring the minority. So that is why it is important we have some agreement on conference.

Over the Easter recess, I sent a letter to the distinguished majority leader, my counterpart, urging him to bring the immigration bill back before the full Senate at the earliest possible time. I expressed my view that the Senate should resume the immigration debate immediately after we completed work on the emergency supplemental appropriations bill. That bill is going to be completed this week, as we heard from the majority leader.

I continue to believe that such a schedule makes a lot of sense. Few other issues are as important and no other is as ripe for Senate debate as this issue. Surely, we can pass comprehensive immigration legislation before the Memorial Day recess. But to accomplish that goal, the majority leader and I need to reach an agreement on the process for completing debate.

There are two basic elements to such an agreement: the number of amendments and an understanding about how the bill will be handled in conference with the House.

Opponents of reform and fairness have filed hundreds of amendments—it is estimated about 500 amendments—to weaken or kill this comprehensive immigration legislation. We Democrats are prepared to debate and vote on some of these amendments, but there must be a finite number of amendments. Before we start the debate, we must know how many amendments there are.

I have made clear to the majority leader that I am flexible on that number. As I said previously, prior to Easter, I suggested three amendments per side. As I indicated earlier, I was told there were at least 2 dozen. We were unable to reach agreement before the recess.

So today I suggest we vote on 10 amendments per side. That is 20. We can have second-degree amendments and, as we have done in recent history, we can have side by sides. That immediately balloons up to 40, and possibly, with side by sides for each of those, 80. I don't think there is any chance that would happen, but it is certainly possible if someone wanted to be mis-

chievous. I am willing to start with that number, 10 amendments per side.

I think this is the right way to do it, but this bill has not had the blessing of the majority in moving forward. This bill is going to take some time to finish. It is not going to be finished in a couple days. I hope we can finish it in a couple weeks, but there is no guarantee of that. But we are willing to work through this.

As important as the number of amendments is what happens in conference, no question about that. With the Republicans in the House having passed a bill making all undocumented immigrants felons—felons—with the House majority leader publicly dismissing the Senate's bill, and with the House Judiciary Committee chairman serving as sponsor of the felon provision in the House legislation—listen to what Chairman SENSENBRENNER said on the House floor. Basically, he said the White House originally proposed the idea to criminalize the undocumented status of these people. This is from Chairman SENSENBRENNER:

At the administration's request, the base bill makes unlawful presence a crime, such as unlawful entry already is. This change makes sense. Aliens who have disregarded our laws by overstaying their visas to remain in the United States illegally should be just as culpable as aliens who have broken our laws to enter and remain here illegally.

Again, at the administration's request, says Chairman SENSENBRENNER. A few days ago, on April 16, a White House source confirmed this statement in the L.A. Times as being accurate.

Does everyone understand why I am a little concerned, a little suspicious? We have the House passing a bill declaring these immigrants as felons, and we are told by the chairman of the House committee that the idea came from the White House, and we have the majority leader in the House saying he doesn't like our bill. So we must have some agreement, and we need it soon. Time is a-wastin', for lack of a better description. It is imperative we have a firm agreement on whom the conferees will be, whom the participants will be, before we move the bill forward. As I have said in the past, membership would consist of Democrats and Republicans on the Senate Judiciary Committee—10 Republicans, 8 Democrats—and the Republicans would have a 2-vote majority. However, if the distinguished majority leader has an alternative proposal that will protect the completion of a fair conference, I will listen, as will Senator LEAHY, the ranking member of the Judiciary Committee.

We cannot allow the House to hijack this bill and destroy the Senate Judiciary Committee's bipartisan work. Under these unusual circumstances, conference protections are indispensable. There are many kinds of possible conference protections. I have indicated the most straightforward way is to appoint the members of the Judiciary Committee as conferees. The concept of sending a full committee to

conference is hardly unprecedented. In fact, it happens all the time. The Presiding Officer here for years was chairman of the Appropriations Committee, and I met with him when he was chairman and I ranking member on many occasions when we had the full Appropriations Committee there. It has happened with Armed Services. They typically send their entire membership to conference. The Judiciary Committee has done the same on prior occasions.

One way or another, it is crucial that this bill be the product of bipartisan consensus. This is how people feel around the country, not only Members of this Senate. Not many feet from here, on Friday, I was at a press conference in which Cardinal McCarrick and Cardinal Mahony participated. Cardinal Mahony said to everyone within the sound of his voice: There must be protections in conference.

I hope we can work together toward adequate assurances that the Senate's delicate compromise, bipartisan compromise, will not be filibustered by amendment or decided or blown apart in the dark of night without a real congressional conference.

Immigration reform is vital to America's national security. We have an obligation to act. I look forward to the Senate resuming this important debate as soon as possible and I would hope the minute we finish this supplemental appropriations bill. I look forward to the distinguished majority leader and I making a proposal to the body so that we can move forward on this issue.

Mr. President, I yield the floor.

#### IRAQ REDEPLOYMENT

Mr. FEINGOLD. Mr. President, our country desperately needs a new vision for strengthening our national security, and I believe it starts by redeploying our U.S. forces from Iraq and refocusing our attention on the global terrorist threats that face us. I filed an amendment that requires the redeployment of U.S. forces from Iraq by December 31, 2006. Unfortunately, the Senate will not be given the opportunity to vote on this amendment if we invoke cloture on the emergency supplemental bill we will be considering shortly.

I am afraid this body has failed time and time again to debate the direction of our country's policy in Iraq. Three years ago, the President landed on an aircraft carrier and, as we all remember, declared "Mission Accomplished" in Iraq. Today, with thousands of lives lost and billions of dollars spent, we are still no closer to a policy that lifts the burden from our troops and taxpayers and actually makes our country safer from the terrorist networks that seek to hurt us.

By failing to discuss alternatives to the administration's failed Iraq policy, we have let down this institution and our constituents. We simply cannot continue to avoid asking the tough questions about Iraq. We should not be

appropriating billions of dollars for Iraq without debating and demanding a strategy to complete our military mission there, not when the lives of our soldiers and the safety of our country are at risk.

Our military has performed heroically in Iraq, but the continued and indefinite presence of large U.S. forces there significantly weakens our ability to fight the global terrorism networks that threaten us today.

That is why I filed an amendment requiring the Pentagon to draw up a flexible time line for redeployment of U.S. forces from Iraq by the end of this year. The President has repeatedly failed to spell out for the American people when we can expect our troops to redeploy from Iraq. He has refused to provide a vision for ending our military mission in Iraq, and as a result a growing majority of Americans have lost confidence in our purpose, our direction, and our presence in Iraq.

Last August, I proposed a target date for withdrawal when I suggested U.S. troops leave Iraq by the end of 2006. This amendment in part reflects the fact that the administration has made no progress—no progress whatsoever—in developing a clear vision for ending our military mission, redeploying U.S. troops from Iraq, and refocusing on the real national security threats that face our country.

My amendment spells out what an increasing number of military intelligence and diplomatic officials have been saying for a very long time: that a massive and seemingly indefinite U.S. presence in Iraq is destabilizing and potentially damaging to Iraqi efforts to rebuild their government and their country. Our presence in some ways is generating instability in Iraq, and the less we make it clear that our intent is to leave and to leave now, our presence can become more harmful than it is helpful.

More important, though, is the fact that our current Iraq policy is making the United States weaker, not stronger. We need to redeploy U.S. forces from Iraq because, as a result of our current costly and burdensome presence in Iraq, we are unable to direct our resources worldwide to defeat the wide and growing network of terrorist organizations that seek to harm Americans and America. This administration has compounded its misguided decision to wage war in Iraq by refusing to recognize the consequences of its actions, the tremendous cost to our brave troops and their loved ones, the drain on our financial resources, and the burden on our Nation's national security sources and infrastructure, which are unable to focus on new and emerging threats to our country.

I don't have to point very far to show how imbalanced and burdensome are our policies in Iraq. While we have spent, according to the Congressional Research Service, upwards of \$6 billion per week during Operation Iraqi Freedom and \$1.3 billion per week during

Operation Enduring Freedom, we are spending a little more than \$2 million—\$2 million—annually—not weekly, annually—in Somalia, a known haven for terrorists and criminals and a true threat to our national security. This supplemental appropriation, if passed, will increase the cost of this war to \$320 billion, and rising.

This is simply unsustainable, and because the President has failed to provide us with any semblance of a vision for when our troops will be redeployed, we can expect more of the same in years to come; that is, unless the Congress finally requires the administration to develop an Iraq strategy that includes a flexible time line for redeploying our troops by the end of 2006. My amendment recognizes the need to maintain a minimal level of U.S. forces in Iraq beyond 2006. Those forces will be needed for engaging directly and targeting counterterrorism activities, training Iraq in security forces, and protecting essential U.S. infrastructure and personnel.

It is time for Members of Congress to stand up to an administration that continues to lead us astray on what has become an extremely costly and mistaken war. We need to hold this administration accountable for its neglect of urgent national security priorities in favor of staying a flawed policy course in Iraq. We need to tell the administration that it can't continue to send our men and women in uniform into harm's way without a clear and convincing strategy for success.

Some have suggested that we should tie our military presence in Iraq to whether Iraqis are able to form a unity government. While I share their frustration with the status quo, I think the decisions about troop presence should be based on what is best for our country's national security. Making decisions about our troop levels contingent on a political solution in Iraq doesn't make sense. Our troops should not be held hostage to the failure to bring about a political solution in Iraq.

So here is the bottom line: We need to refocus on fighting and defeating the terrorist network that attacked this country on September 11, 2001, and that means placing our Iraq policy in the context of a global effort rather than letting it dominate our security strategy and drain vital security resources for an unlimited amount of time. The President's Iraq-centric policies are preventing us from effectively engaging serious threats around the world, including Iran, global terrorist networks, and other emerging threats. We must change course in Iraq, and we must change course now.

It is in this spirit that I filed this amendment to this supplemental spending bill. If I am not allowed a vote on my amendment to the supplemental, I can assure my colleagues that I will be looking for the next opportunity to bring this amendment to the floor for debate and a vote.

My colleagues are, of course, entitled to disagree with my approach. I welcome their suggestions and their advice. But what I really want is for the Senate to live up to its responsibility and engage in a serious debate about the topic that is on the mind of every American: how to put our Iraq policy right and our national security policy right.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, how much time is remaining on the minority side?

The PRESIDENT pro tempore. Twenty-two minutes.

#### FAILED ENERGY POLICY

Mr. DURBIN. Mr. President, this morning across America, people got up to go to work. Some of them had a very unsettling moment because they had to fill up their gas tanks. So people heading off to work pulled into a gas station across America—in Chicago, in Springfield, and all across our Nation—and saw again a reminder of the failure of our energy policy. They watched as those numbers rolled in front of them and saw a new, almost recordbreaking total, just for the gasoline for their trucks and their cars going to work.

Businesses face the same thing, businesses that are trying to keep their heads above water and that may be forced to lay off people. The farmers I represent across the State of Illinois, farmers who are out trying to plow for their corn crop this year, are paying more for their diesel fuel, paying more for the fertilizer they are going to ultimately need.

All of these are part of the cumulative impact of the increase in energy prices across America. The pain is being felt in every family of modest means in America. Money they have spent they know is going directly from their pockets and their credit cards to the biggest oil companies in America, the biggest oil companies in America, which have recorded record profits—record profits.

I took a look at the five major companies and how well they did. In the year 2005, they had \$111 billion in profits. That boils down to \$1,000 for every household in America. Every family of every home paid an additional \$1,000 last year that went directly to the profits of these oil companies. It didn't go for investment, investment in new oil opportunities and oil sources or gas opportunities, no. It went to profits, profits that were realized by the people who are running the companies.

One of them is the CEO of ExxonMobil. ExxonMobil has the largest corporate profits in the history of the United States of America, and they are on course to break that record again this year. They rewarded the architect of these profits, Mr. Lee Raymond, their retiring CEO, with a little farewell gift. No, it wasn't a gold watch. No, it wasn't a set of golf clubs. It happened to be \$400 million—\$400

million given to this man as a parting gift for realizing all these profits. What does that come out to? Well, every household in America donated \$3 so that Mr. Raymond would have a nice little going-away gift—\$400 million. And Lee Raymond didn't even have to buy a Powerball ticket; all he had to do was to be there in the corridors of power when the money came rolling in.

So who is to blame? Well, part of the blame is right here, right here in Washington where we have failed to develop an energy policy. Do you know that we signed—the President signed, I should say, and we passed—an energy bill last August, 8 months ago, that spelled out the energy policy for America, a policy to lead us forward into the future. No sooner had the ink dried on that bill than the cost of heating our homes across America went up 20 percent, our imports from overseas started reaching record levels, and the price of the gasoline we had to buy has broken all records. What an energy policy. What a failure. What a failure of leadership. Honestly, when you take a look at this failure of leadership, you can understand why people across America are calling for a change in direction. They are sick and tired of the policies that have brought us to this point, failed energy policies which do not protect the consumer, that do not punish the profiteer, and sadly they do not promote the kinds of things we need for our energy future.

On the floor of the Senate during the debate of this energy bill, Senator MARIA CANTWELL, of Washington, stood up and made a proposal. Here is what she said: We need to reduce our dependence on foreign oil. Let's set a national goal of reducing our dependence on foreign oil by 40 percent over the next 20 years.

It is ambitious, it is tough, it would require real leadership and cooperation on a bipartisan basis. She said this should be our national goal—Democratic Senator MARIA CANTWELL.

It was virtually rejected out of hand. The Republican side would have nothing to do with it, not even setting a goal of energy independence. Do you know why the administration said they opposed it? Because it would require oil savings; using less oil to reach that goal, conservation and efficiency. The administration said they would oppose the Cantwell amendment because it would force us to improve our CAFE standards, the fuel economy of the cars and trucks we drive. That was the administration 8 months ago, 8 months ago opposing the Cantwell amendment, 8 months ago opposing a clear way out of the crisis we currently face.

I think we understand the obvious: 60 percent of all the oil we import goes into the cars and trucks we drive. Unless they are more fuel efficient, we are going to continue to burn more oil every single year to go the same mileage we went last year. Burning more oil means more dependence on foreign sources, means more cost to families

and businesses, and sadly means more air pollution, more greenhouse gases, more global warming, more natural disasters, more hurricanes and storms. All of it is tied up in one sad package. But the administration opposed our efforts on the Democratic side to spell out a clear energy goal.

This morning the Republican leader of the Senate, Senator FRIST of Tennessee, appeared on a string of television shows to express his concern about gasoline prices. I saw one on CNN. I read a transcript of his comments on NBC. He is touting, among other things, a \$100 rebate; that we would send a \$100 check back to the people of America for the gas prices they are currently paying—\$100. One of the newspapers yesterday said that is chump change instead of real change. What does \$100 buy you, two tanks of gas if you are lucky? Is that the best we can do in Washington, DC? And then say, Adios, voters, see you in November, we have taken care of the problem? We certainly have not.

What the majority leader said on the show was what he was rebating to the consumers across America were the Federal taxes they paid on gasoline. Let me tell you, the cost of gasoline has gone up dramatically. Some of it is associated with Federal taxes, but most of it is associated with profit taking by the biggest oil companies in America, an issue and subject which most Republicans will not even touch.

Then, of course, the majority leader, Senator FRIST, returned to that good old saw of drilling for oil in the Arctic National Wildlife Refuge. According to Senator FRIST, that is the answer to America's prayers. If we could go up to this wilderness and wildlife refuge—set aside 50 years ago to be protected for future generations—if we could get the trucks and the equipment and the pipelines and the roads, then America could breathe easy. Then we could find ourselves relieved from this terrible burden of oil and gas prices.

But, sadly, the facts don't back him up. The United States of America has under its control in Alaska, offshore in the continental United States, 3 percent of the world's oil supply, all of it. If we could drill it, all we have, 3 percent. Each year we consume 25 percent of the world's oil supply. We can't drill our way out of this. We can't even if we invade every wilderness, every refuge, the Great Lakes, the national parks, and put a derrick down by the Washington Monument—we cannot drill our way out of this problem. But time and again, that is what the Republicans suggest is the answer.

Let me tell you the facts. If we decided to start drilling in the Arctic, if we decided to violate this land that we once promised to hold sacred for future generations, if we said America was so desperate that we have to turn to drill for oil to a wildlife refuge in Alaska, this is what we can expect: The first drop of oil would come out of that area in 10 years, and as we drill for that oil

and bring it out, how much is there by best estimates? By best estimates, eight-tenths of 1 percent of world oil production. OPEC could turn the spigot off just a little bit and eat up all of the oil we take out of that wildlife refuge. The Arctic National Wildlife Refuge is not the answer to America's energy prayers. It is a desperation effort by the Republicans to come up with some answer to deal with the problem, an answer which sadly does not meet the challenge we face.

I listened as our majority leader talked about why we face these gas prices today. Time and again he said, and I quote, "I think the price is determined by supply and demand."

You know, that is basic economics—reduce supply, increase demand, and the price goes up. Increase supply and reduce demand and the price goes down, basically. Except there is one element the majority leader does not refer to, an element which is critically important: We are not just talking about price, we are talking about profit. We are talking about a market price which has been inflated so these companies can realize record-breaking profits at our expense.

This last weekend I appeared on a talk show surrounded by people from the oil industry, investors, and they talked about all of the conditions that have led us to this point where gasoline prices are so high: Hurricane Katrina, reduced refinery capacity, \$70 to \$75-a-barrel oil—they went through the whole litany of these things. I said to them, as I learned basic economics, everything they explained to me would account for an increase in the price of oil. But they all failed to acknowledge an increase in the profits of the oil companies, dramatic, record-breaking historic profits by these oil companies. Unless and until we address this reality, then everything we do here is for nothing.

What can we do? We are down to five major oil companies. Isn't it curious, as you drive around your hometown, all the prices on all the pumps seem to go up at the same time and come down at the same time and then go up? Is that the sort of thing Government ought to look at once in a while? I think so. But when you look at the antitrust division of the Department of Justice, they turned kind of a blind eye to all the mergers and acquisitions that have led to this concentration of ownership in the oil industry, concentration at the expense of the consumers and the American economy.

Sadly, we don't have the kind of Government oversight we need. This administration, the President and Vice President, made their fortunes in private life in the oil industry. This administration is closer to the oil industry than any administration in our history at a moment in our history when the oil industry needs to be held accountable.

So what do we do? We need to move forward in several areas and we need to

do it specifically and immediately. This morning I read in the New York Times that there was a debate on the Republican side about a package of legislation to deal with this issue. This is what the headlines in this morning's New York Times said:

Republicans drop a tax plan after business leaders protest. Senate rejects action to cushion high gas prices.

What is this all about? In the Republican plan to deal with high energy prices, they imposed a tax on these profitable oil companies and they squealed like stuck pigs. Their lobbyists got on the phone and started raising all sorts of objections, indignation, and the Republicans removed the tax. So we cannot even tax these businesses, according to the Republican majority, when they are experiencing record-breaking profit.

This article goes on to talk about all of the protests that came from this industry, and this is a powerful industry. Pick up this paper, the New York Times, or your hometown paper, and today you are likely to find a full-page ad—they run every day, every single day—explaining why all the money you are paying at the gas pump is for your own good. This is a public relations campaign by an industry that is experiencing record-breaking profits. Last week the American Petroleum Institute—which represents all these oil companies—was asked, What are you going to do to respond to the consumers' outrage over gasoline prices? What are you going to do about the fact that you are crippling businesses and farmers and hurting individuals? What will you do when it comes to changing policy?

They said, What we will do is this: We will spend \$30 million more this year on lobbyists in Washington, DC, and \$25 million more buying newspaper ads explaining that it really isn't so bad.

The American Petroleum Institute is not going to come willingly to the table. What our Republican friends have said is they are not going to drag them to the table to hold them accountable for what has happened across America.

What can we do? What should we do? First, we need fuel economy standards for the cars and trucks we drive. I have introduced this amendment twice and it failed twice, and I will call it up again the first chance I have. The year 1985 was the last time we had a serious effort to bring about more fuel-efficient, fuel-economical vehicles across America. It worked. We increased the average fleet mileage of cars across America from about 15 miles a gallon to 25–28 miles a gallon, and we did it in 10 years without raising gasoline prices through the roof, despite the objections and resistance from Detroit and the oil companies. We showed leadership and got it done.

In that 10-year period of time, as America's economy surged forward, our imports of oil from overseas dropped by

30 percent. We dedicated ourselves to conservation and efficiency, burned less fuel, and still fueled economic growth. That is what we need again. But it calls on a President and a Congress controlled by his party to step out and say some things which a lot of oil companies will find objectionable. But so be it. That is what leadership should be about.

We need to encourage the kinds of technology for sustainable and renewable fuels, technology that will lead to new companies, good-paying jobs across America. Instead of being enslaved to foreign oil, we need to be masters again when it comes to energy, and we can do it with leadership. We can see in these ways the way of the future. There are alcohol-based fuels. The President has talked about them. I think he is right. For a long time I have supported ethanol. Of course, that is homegrown in Illinois. It is our corn turned into alcohol fuel supplementing our gasoline. There is a great opportunity for expansion there. Biodiesel, taking soybean oil and other vegetable oils, adding it to diesel fuel to stretch the value of that fuel and to reduce its pollution—that is another opportunity for us. Cellulosic ethanol, which is another approach that has been used successfully by Brazil. Brazil, over 30 years, decided they would become energy independent. They saw the writing on the wall. As long as their economy depended on foreign oil, they could not control their future and so they said we are going to be dependent on our own homegrown fuel. With local oil as well as alcohol, they have transformed their economy into an energy-independent economy which, within 2 years, will start exporting fuel around the world. What did it take to reach that? Leadership. Leadership that said no to the powerful oil interests and said their country's interests were more important.

We need the same thing now. We need a President who will stand up to leaders in this oil industry and say the economy of America is more important than their profits. We can do this, we can do it as a nation, and we need to do it because we need to combine this energy debate with another debate that is critically important.

In a few days former Vice President Al Gore is going to release a documentary. It is called "An Inconvenient Truth." It is going to talk about global warming and how it is changing the world we live in, why we have so many violent storms and hurricanes and changes in weather patterns. It just isn't God's random way of reminding us He is in charge.

Sadly, we had something to do with it. What that means is we have found ways to burn less fuel and still fuel our economy.

We have to find ways to conserve and be more efficient so we don't see the disappearance of the Arctic, or Greenland, or sections of Antarctica, or the elimination of species of animals such

as polar bears because of the ice melting that is taking place around the world. It is a very real issue and a very real problem. As we debate the future of energy, let us do it in an environmentally responsible way.

When my Republican colleagues say we can find new places to drill, such as wildlife refuges and wilderness, we can drill in all of these places and are bound to find some oil; maybe we would, but at what cost? Shouldn't America's goal be economic growth in an environmentally sensible and responsible way? That should be part of this debate as well. We cannot ignore it—the energy debate and the environmental debate together.

Whatever our solution is, it should be a solution that says to our children we will not only give you a world where you can drive and go to work with affordable gasoline prices, but we will give you a world where it is safe to live, where the environment you live in is not going to destroy the lifestyle we have enjoyed for generations. That is part of our responsibility.

I think we have a special challenge. There is a challenge to Congress to rise to the occasion which has caused concern and anger across America—energy prices that have broken the backs of individuals, families, and businesses, driving people to payday loans and pawnshops to fill up their tank so they can go to work. We need to show leadership. It starts by acknowledging that the Energy bill signed by the President last August has failed. We need a new approach. We need new leadership. We need to punish profiteers. We need to protect consumers across America. We need to promote energy independence and the new technologies of sustainable and renewable fuels that will generate new industries, new jobs, and new opportunities. That is the vision for an America moving in a new direction, a significant new direction, something the people across America have been asking for.

I yield the floor.

THE PRESIDING OFFICER (Mr. DEMINT). The Senator from Arizona is recognized.

#### ENERGY

Mr. KYL. Mr. President, I wish to address the same subject and begin where the distinguished Senator from Illinois left off when he talked about new leadership.

I wonder if he would join Republicans to see if we can eliminate the tariff on Brazilian ethanol, something which the Senator from Illinois suggests we need more of, one of the three solutions he says we need—more leadership, more ethanol and fuel economy standards. I think we are going to provide some leadership and we are going to provide some more ethanol. One way to do that is to reduce the extraordinary expense of bringing it in from Brazil. We haven't gotten a lot of cooperation from the other side on that. That will

be my first question to him: Will he step up and exercise leadership with us to eliminate that tariff on ethanol?

There is a 10-percent mandate in the Energy bill on ethanol. The Senator suggested we should have a higher mandate on ethanol, or a higher subsidy for that. The reality is one of the reasons gas prices have been where they are is we haven't been able to meet that 10-percent mandate. There isn't enough ethanol being produced and, therefore, because there is a lack of supply in comparison to the demand, the price has gone up, obviously. What we need to do here, instead of pointing fingers and demagoguing the issue, is to understand economics and appreciate where the real problem is. Then we can begin to solve it.

There is an old saying: For every complex problem, there is a simple and wrong solution. That is what we have mostly heard on the other side. The reality is, if you want to know the truth, the single most important component in the retail price of gasoline is the cost of crude oil—the single most important factor. Indeed, the cost of crude oil accounts for 95 percent of the price of a gallon of gasoline. Changes in the price of retail gasoline are almost entirely explained by changes in crude oil prices.

I have a chart I wish to show you which demonstrates that over the last 15 years, changes in the world price of crude oil have accounted for more than 95 percent of the changes in gasoline prices. It shows that as crude oil prices have gone up, the price of gasoline has tracked it almost exactly.

If you are looking for a culprit and why crude oil prices have gone up, it is because the demand has exceeded the supply. Countries such as China and India are demanding more and more of the product. And because of constraints imposed significantly by the Congress, we have not been adding to the supply.

There are also other problems that have created this spike recently. The largest reason, according to the folks on Wall Street, is the nuclear saber rattling from Iran, which produces about 4 million barrels of oil a day—or about 5 percent of world's supply—and it controls the Strait of Hormuz through which about 17 million barrels of Middle East oil passes every day. Some experts believe that concern about the Iranian nuclear crisis has added \$10 per barrel to the price of crude oil since the start of the year. If you add to that supply disruption in Norway and Nigeria, as well as the machinations of Venezuela's strongman Hugo Chavez, you can see there has been a spike in the world prices which have been reflected at the pump.

We have also had some domestic problems that have added to the spike in prices. The U.S. Minerals Management Service has reported that over 334,000 barrels per day of crude oil production in the gulf coast are still shut in as a result of Hurricane Katrina.

More importantly, some of the heavily damaged gulf coast refineries representing nearly 5 percent of U.S. refining capacity are still undergoing repair. But the good news is they are likely to resume production at the end of this month.

Another problem is because there was so much refining capacity that went down, the Government urged the refiners to continue refining and forego their regularly scheduled annual fall maintenance in order to keep the supply of gasoline from dropping even further. They did that. I am glad they did.

The problem now is the crisis is over and they are having to engage in that deferred maintenance. And after months of heavier than normal usage, they are finding this long overdue maintenance is reducing production out of the refineries as well. As it comes on line, we are going to see some relief.

Finally, as occurs every spring, refiners, in compliance with Federal mandated fuel regulations, have to switch from the wintertime fuel blend to the summertime fuel blend which entails completely drawing down supplies of wintertime fuel blend and replacing it with the summertime fuel blend. This obviously also causes a short-term supply disruption adding to the spike.

There are some other factors as well, having to do with the elimination of MTBE as a motor fuel additive and the mandate for ethanol production or addition to the fuel which was not initially able to comply with the 10-percent standard which has had some impact on prices, especially in much of the East Coast and Texas.

But the bottom line here is there is a variety of reasons why fuel costs and, therefore, gasoline prices have spiked. It does not do a lot of good to point the finger at somebody and say, We know the answer; we will punish them and that will solve the problem. The reality is that profits from the oil industry are now being put to use in expanding production. The industry invested nearly \$109 billion in 2004. While the numbers aren't in for 2005 yet, for first three quarters it showed investment spending was 28 percent higher than in the first three quarters of the previous year. It is projected this year to grow by double digits again.

This investment will lead to a 2.2 million barrel per day increase in production this year, outpacing demand that is expected to rise by just 1.8 million barrels per day. That, more than any of these other factors, is going to add actual fuel to the pipeline which will, therefore, enable us to bring the fuel costs down.

The bottom line here is when you are talking about solutions, you talk about that which will either reduce the demand or increase the productivity. Unfortunately, consumer demand has not been reduced that much even with the higher prices, which means you have to look for more production. There are several ways you can do this.

The Senator from Illinois scoffed at ANWR, saying it is only 3 percent of the world's supply. Do you realize how much that it is? That is huge. That is as much oil as Iraq produced.

Had President Clinton not vetoed the exploration in ANWR 10 years ago, that oil would now be flowing today. The Senator says it will take 10 years. Yes. Before you can complete your journey, you have to establish the first step. That is what we have to do here. Had we done that 10 years ago, that oil would be flowing today.

By the way, to characterize it as a wilderness area is a misrepresentation because as we should realize, this is an area expressly set aside for oil exploration by the Congress. It is not going into a wilderness area and cutting it out and then exploring in an area that was set aside for wilderness.

There are other increases in productivity in addition to ANWR. Increasing our deepwater production 100 miles offshore is virtually safe. Clearly we can eliminate restrictions on the 100-mile limit for deepwater drilling offshore. We could, if we wanted to, stop buying temporarily in this market today for the SPR, the Strategic Petroleum Reserve. We could suspend the boutique fuel blends and reduce the ethanol mandate.

Those are short-term things that could be done. But again for the longer term, if you want to bring in more ethanol, eliminate or reduce the tariff on Brazilian ethanol; if you want to have more production, look at deepwater drilling and ANWR. Those are ways to actually add crude oil and, therefore, fuel to the equation rather than these ideas of not adding any oil whatsoever but simply make a political point.

The point was made that profits of the oil companies are up. As has been indicated, those profits are now being plowed back into production and to refinery capacity which is going to help us reduce the cost.

The Senator from Illinois said it is strange indeed that prices go up all over town when they go up. It is not strange at all. You don't have to have collusion between the oil companies for that phenomenon to be reflected because of the fact that the crude oil prices are the same for everyone. So if everybody's baseline price goes up, everybody is going to be raising the cost of gasoline at the fuel pump. The idea that there must be collusion or at least the inference there must be collusion, remember that the Government has been investigating this for years and, to my knowledge, has never found any evidence of collusion. As the President said, we will keep on looking for it. If we find it, obviously those people will not go unpunished.

Let us not try to point a finger of blame in an area where we know we are coming up with a dry hole. That isn't going to add anything to the production of crude oil and, therefore, do anything to increase the supply and, therefore, reduce the cost.

The bottom line is this: There are a lot of ideas about how to deal with the short-term cost of energy. Some of them are good. There are ways to increase the long-term supply and thus deal with the long-term cost. But until we are serious about the economics of the issue, rather than simply trying to come up with a bumper sticker solution, we are never going to be able to eliminate the cost to consumers. And that, after all, ought to be our primary responsibility.

The PRESIDING OFFICER. The Senator from Virginia.

#### IRAQ

Mr. WARNER. Mr. President, last evening, as most of us had departed with the understanding that the floor was about to close, our colleague from Illinois, Senator DURBIN, the distinguished whip of the Democratic Party, came over and proceeded to give what I felt was a very strong critique of all of those things in Iraq which in his judgment and, to some extent, the judgment of others sharing it went wrong. There was little or no reference to what went right and the progress that has been made in Iraq.

He concluded again with his own personal views with regard to Secretary Rumsfeld and what should be done with respect to his services in the future.

It is interesting. Yesterday, Senator BIDEN also spoke out with regard to his concept of this very difficult dilemma, facing not only the Iraqis but all those nations working to help the Iraqis form their government, as to how certain modifications should be taken with regard to the new government, namely three secretaries having their own say in this matter with an overall arching government on top. Senator BIDEN's commentary, in my judgment, was constructive, and was maybe a little too late to back up from where we are at this moment. But it was nevertheless a positive contribution to the debate and constructive, in sharp contrast to the comments of Senator DURBIN.

A lot of things have gone right in Iraq, not the least of which is the freedom of elections, the formation of a new government, the difficult process that their political structure went through in selecting a new prime minister, and making the commitments by that newly selected prime minister to finish within this month of May the appointments necessary to have a government in place and one that hopefully will work to establish and take upon itself the responsibility of full sovereignty of that nation. This was a ray of optimism, in my judgment, a ray of hope.

If there were any time in the entire history of this Iraqi confrontation situation and the Iraqi war when the new leaders of Iraq need support, it is now. I daresay the constructive criticism of many—I led a codel with Senator LEVIN a few weeks ago, and other codels have gone through. The Secretaries of State

and Defense have been through. Ambassador Khalilzad has done a remarkable job in encouraging the Iraqi leadership to move forward with this new government. That has been done.

Now is not the time to stop all the constructive debate but to stop those remarks and debate which can be pulling back from the gains we have made, showing less than full support to the Iraqi people for their courage and their new government.

I have studied each of the generals individually. On the whole, I personally believe it was a constructive contribution to the debate. Others may differ. Somehow, I believe throughout our history our senior uniformed officers—and, indeed, others, including enlisted men—have come forward at times to provide their own perspectives which are contrary to the policymakers in charge of that period of history.

I commend all who are participating in the constructive debate. It should go forward at this time. This Nation is at war. At the very minute we are privileged to be in the Senate exercising freedom of speech and debate, young men and women in our Armed Forces are in harm's way, subjecting themselves to life at risk and, indeed, giving their lives and limbs. We must be ever mindful of the suffering of their families.

Now is the time to show our strongest resolve in Iraq. The President has made a decision as to the leadership he desires, including Secretary Rumsfeld. He has that right as Commander in Chief under the Constitution. He has exercised that unequivocally and stated his views. It is now a matter for all to respect that judgment of the President and move forward.

I personally have worked with many Secretaries of Defense; three I served under in the Department of Defense. Every one in the last 30-plus years I have worked with—except one, coincidentally; when Secretary Rumsfeld was Secretary of Defense I was taking 2 years of my life preparing to try and get elected to the Senate, so with that one hiatus I have worked with them all, I have established a satisfactory, hard-working relationship with Secretary Rumsfeld.

Our committee is now in the midst of its markup and prepared to bring to the Senate its annual authorization bill. This is the most intense work period between our committee and the Department of Defense.

I conclude by saying think first of our troops and their sacrifices that they have made, the risk they face each day, and our goals to try and support the formation of some type of democratic government of the choosing of the Iraqi people and their leadership. Progress is being made every day now. Now is the time to stand steadfast in our support of our troops, the coalition forces, the Iraqi elected leaders, and the people.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### TIMBER

Mr. SMITH. Mr. President, I intended to speak in reference to an amendment I was to call up for the supplemental, but because we are in morning business I will speak in morning business.

My amendment would be objected to as out of order, as being inconsistent with the supplemental emergency bill. However, I am here to talk about an emergency in rural Oregon in timber-dependent communities.

For 100 years, there has been a relationship between the Federal Government and rural communities that has been absolutely indispensable to our country and to those communities. The deal was this: In those States where the Federal Government owns much of the land—in my State it owns more than half of the State of Oregon—there would be multiple uses of public lands. They would be managed as to their resources consistent with environmental law.

In the case of the State of Oregon, there would be the result of timber products, wood products, to build countless millions of homes. There would be jobs for people and there would be the types of jobs that would create tax revenues that would allow local communities to have services.

In addition to that, there is what are called timber receipts. Local communities would get 25 percent of the timber receipts from the harvest of public timber. This has been absolutely indispensable to the life of these rural communities.

That deal changed in the 1990s. To show you how devastating this change was to my State, we had the listing of the spotted owl. We had the Endangered Species Act go into effect. President Clinton and Vice President Gore pursued a forest policy that took a harvest of roughly 8 billion board feet a year down to less than 1 percent of that in many national forests. As a consequence, by the end of the 1990s, our schools were closing. They operated 4 days a week. Counties had no money because many of them have lost up to 60 percent of their operating budgets.

At the end of the Clinton administration, the Congress, with President Clinton, recognized the damage, the devastation, being done to these communities, so we passed, in 2000, the Secure Rural Schools Act to bridge the gap between what had been, the gridlock that existed, and the hope for a brighter day when there would be a predictable, sustainable level of forestry.

President Bush and the Congress pursued the Healthy Forests Initiative and

this President has fully funded the Northwest Forest Plan that was the product of President Clinton but never delivered on the timber that it promised in the hopes of bridging the gap for these communities.

But still, after all of that effort, 6 years later, we find that only a small percent of what was done 20 years ago is available to these communities in terms of timber harvest. As a consequence, this secure rural schools fund is about to expire.

I suggest this is a very real, present danger, even an emergency, that is appropriate to this supplemental. We ought to include it. These are Federal decisions that have been made. They have been made by an administration in the 1990s. They have been made by Federal law, the law that passed by this Congress. They have been made by courts that have enforced that law and have locked up our forests and now have us in a bind that is truly an emergency.

This is a Federal obligation. I need to use every tool as a Senator that I have available to me to try to remind this Senate, this Congress, of the obligation it has. We cannot abandon these communities. We cannot abandon these people. We have to find a way to continue to get back to a management level that is consistent with environmental law, that allows for multiple uses of the land, the harvest of timber, the employment of our people, the production of wood products, the receipt of timber taxes, so that schools can remain open, streets can remain paved, counties can be safe because they have police protection.

This is not inexpensive. The annual cost of what we did to bridge this gap was \$500 million a year. Oregon is responsible for 20 percent of the merchantable timber in this country. We are not alone in terms of the benefit that came from this secure rural schools fund. California received \$380 million over the last 6 years; Montana, \$63 million; Mississippi received \$38.8 million to keep their rural timber-dependent communities together body and soul.

We cannot walk away from this until we find a day where we can get back to a deal that is sustainable in terms of environmental policy, timber production, and the employment of our people. Heaven knows we need the timber. We are now a net importer of timber in this country. Yet what do we do with our own timber? Our policies are in gridlock and our forests are burning.

Three years ago, there were 500,000 acres burned in southern Oregon, larger than the State, I am told, of Rhode Island. Yet that timber still stands rotting, a moonscape that, frankly, ought to be allowed to at least be salvaged in some degree.

Until we come to a day where we have a policy that we in the Federal Government agree upon, we cannot abandon these rural communities.

I will at the appropriate time propose my amendment and hope it is not ruled out of order.

I yield the floor.

Mr. COCHRAN. Mr. President, I commend the distinguished Senator from Oregon for his comments and his leadership on these issues that are so important to our forestry owners and people throughout the States who depend on incomes from those jobs.

I ask unanimous consent I be permitted to call up amendments at this point.

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

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

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative 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.

#### Pending:

McCain/Ensign amendment No. 3616, to strike a provision that provides \$74.5 million to states based on their production of certain types of crops, livestock and or dairy products, which was not included in the Administration's emergency supplemental request.

McCain/Ensign amendment No. 3617, to strike a provision providing \$6 million to sugarcane growers in Hawaii, which was not included in the Administration's emergency supplemental request.

McCain/Ensign amendment No. 3618, to strike \$15 million for a seafood promotion strategy that was not included in the Administration's emergency supplemental request.

McCain/Ensign amendment No. 3619, to strike the limitation on the use of funds for the issuance or implementation of certain rulemaking decisions related to the interpretation of "actual control" of airlines.

Warner amendment No. 3620, to repeal the requirement for 12 operational aircraft carriers within the Navy.

Coburn amendment No. 3641 (Divisions IV through XIX), of a perfecting nature.

Vitter amendment No. 3627, to designate the areas affected by Hurricane Katrina or Hurricane Rita as HUBZones and to waive the Small Business Competitive Demonstration Program Act of 1988 for the areas affected by Hurricane Katrina or Hurricane Rita.

Vitter/Landrieu modified amendment No. 3626, to increase the limits on community disaster loans.

Vitter modified amendment No. 3628, to base the allocation of hurricane disaster relief and recovery funds to States on need and physical damages.

Wyden amendment No. 3665, to prohibit the use of funds to provide royalty relief for the production of oil and natural gas.

Santorum modified amendment No. 3640, to increase by \$12,500,000 the amount appropriated for the Broadcasting Board of Governors, to increase by \$12,500,000 the amount appropriated for the Department of State for the Democracy Fund, to provide that such funds shall be made available for democracy programs and activities in Iran, and to provide an offset.

Salazar/Baucus amendment No. 3645, to provide funding for critical hazardous fuels

and forest health projects to reduce the risk of catastrophic fires and mitigate the effects of widespread insect infestations.

Vitter amendment No. 3668, to provide for the treatment of a certain Corps of Engineers project.

Burr amendment No. 3713, to allocate funds to the Smithsonian Institution for research on avian influenza.

Coburn (for Obama/Coburn) amendment No. 3693, to reduce wasteful spending by limiting to the reasonable industry standard the spending for administrative overhead allowable under Federal contracts and subcontracts.

Coburn (for Obama/Coburn) amendment No. 3694, to improve accountability for competitive contracting in hurricane recovery by requiring the Director of the Office of Management and Budget to approve contracts awarded without competitive procedures.

Coburn (for Obama/Coburn) amendment No. 3695, to improve financial transparency in hurricane recovery by requiring the Director of the Office of Management and Budget to make information about Federal contracts publicly available.

Coburn (for Obama/Coburn) amendment No. 3697, to improve transparency and accountability by establishing a Chief Financial Officer to oversee hurricane relief and recovery efforts.

Menendez amendment No. 3675, to provide additional appropriations for research, development, acquisition, and operations by the Domestic Nuclear Detection Office, for the purchase of container inspection equipment for developing countries, for the implementation of the Transportation Worker Identification Credential program, and for the training of Customs and Border Protection officials on the use of new technologies.

Murray (for Harkin) amendment No. 3714, to increase by \$8,500,000 the amount appropriated for Economic Support Fund assistance, to provide that such funds shall be made available to the United States Institute of Peace for programs in Iraq and Afghanistan, and to provide an offset.

Conrad/Clinton amendment No. 3715, to offset the costs of defense spending in the supplemental appropriation.

Levin amendment No. 3710, to require reports on policy and political developments in Iraq.

Schumer/Reid amendment No. 3723, to appropriate funds to address price gouging and market manipulation and to provide for a report on oil industry mergers.

Schumer amendment No. 3724, to improve maritime container security.

Murray (for Kennedy) amendment No. 3716, to provide funds to promote democracy in Iraq.

Murray (for Kennedy) modified amendment No. 3688, to provide funding to compensate individuals harmed by pandemic influenza vaccine.

Cornyn amendment No. 3722, to provide for immigration injunction reform.

Cornyn amendment No. 3699, to establish a floor to ensure that States that contain areas that were adversely affected as a result of damage from the 2005 hurricane season receive at least 3.5 percent of funds set aside for the CDBG program.

Cornyn amendment No. 3672, to require that the Secretary of Labor give priority for national emergency grants to States that assist individuals displaced by Hurricanes Katrina or Rita.

Murray (for Byrd) amendment No. 3708, to provide additional amounts for emergency management performance grants.

Domenici/Reid amendment No. 3769, to provide additional construction funding for levee improvements in the New Orleans metropolitan area, gulf coast restoration.

AMENDMENT NO. 3769

Mr. COCHRAN. Mr. President, I call up amendment No. 3769 on behalf of Mr. DOMENICI regarding levee funding. This amendment has been cleared on both sides of the aisle, and I urge it be agreed to.

The PRESIDING OFFICER. The amendment is pending.

The question is on agreeing to the amendment.

The amendment (No. 3769) was agreed to.

Mr. COCHRAN. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3789

Mr. COCHRAN. I call up amendment No. 3789 on behalf of Mrs. HUTCHISON regarding treatment of Hurricane Rita States.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mrs. HUTCHISON, for herself, Mr. CORNYN, and Ms. LANDRIEU, proposes an amendment numbered 3789.

Mr. COCHRAN. Mr. President, 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 ensure States impacted by Hurricane Rita are treated equally with regard to cost-share adjustments for damage resulting from that hurricane)

On page 165, line 20, after "Provided," insert the following: "That for states in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) on September 24, 2005, as a result of Hurricane Rita, each county or parish eligible for individual and public assistance under such declaration in such States will be treated equally for purposes of cost-share adjustments under such Act, to account for the impact in those counties and parishes of Hurricanes Rita and Katrina: *Provided further,*,"

Mr. COCHRAN. Mr. President I urge agreement of the amendment. It has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3789) was agreed to.

Mr. COCHRAN. Mr. President, we are at a point in the proceedings at the hour of 11 o'clock to vote on cloture on the bill. I urge Senators to support this motion to bring to a close debate on the provisions of the supplemental appropriations bill so that we may proceed to consider other amendments that are pending and dispose of that measure.

It is an urgent supplemental. It contains emergency funding for the Department of Defense, the Department of State, as well as disaster assistance for the gulf State regions and elsewhere for natural disaster damages and destruction.

CLOTURE MOTION

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 391, H.R. 4939, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

Bill Frist, Thad Cochran, Judd Gregg, Lamar Alexander, Wayne Allard, Johnny Isakson, Mitch McConnell, Mel Martinez, Orrin Hatch, Kay Bailey Hutchison, George Allen, Norm Coleman, Pat Roberts, Richard Shelby, Larry Craig, Richard Burr, Robert F. Bennett.

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

The question is, Is it the sense of the Senate that debate on H.R. 4939, an act making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KERRY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Arkansas (Mrs. LINCOLN) is absent due to death in family.

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

The yeas and nays resulted—yeas 92, nays 4, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—92

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

## NAYS—4

Dodd           Levin  
Feingold       Wyden

## NOT VOTING—4

Biden           Lincoln  
Kerry           Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 92, the nays 4. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LEVIN. Mr. President, I voted against the motion to invoke cloture on the supplemental appropriations bill because it will have the effect of preventing the consideration of a number of important and relevant amendments.

There are more than a hundred amendments which have been filed on this bill. Several are important amendments, such as Senator WYDEN's amendment to prevent funds from being used to continue discounts given to the oil companies on royalties which otherwise would be paid to the Federal Government for production of oil and/or natural gas on Federal lands. Another example is the bipartisan amendment that I offered with Senators COLLINS and REED to require reports to Congress on progress toward a national unity government in Iraq.

Too frequently in recent years, we see a pattern of slowing down consideration of amendments or filling the amendment tree to block them altogether, followed by cloture to end debate and further restricting or preventing the consideration of amendments. The Senate, which has often been referred to as "the world's greatest deliberative body" and which historically has been characterized by the quality of its debate, should not permit this pattern of preventing the consideration of, and votes on, amendments to become the norm.

When I came to the Senate, the leadership did not as a routine approach try to prevent consideration of amendments they didn't agree with. Instead, they attempted to amend them or simply vote against them. In recent years, we see more and more bills on which amendments are limited or blocked entirely, more like the House. On the PATRIOT Act, this year, for example, the amendment tree was completely filled by the leadership, a procedural technique for preventing any amendments from being considered, and none were.

Mr. President, I support the funding for the troops in Iraq and Afghanistan, and I support the emergency assistance for the gulf coast in the wake of Hurricane Katrina. I intend to support this bill on final passage in the Senate. I am opposed, however, to the use of this procedure to limit debate and the consideration of amendments.

## AMENDMENT NO. 3617

Mr. MCCAIN. Mr. President, I have an amendment at the desk, No. 3617. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is pending. It is now the regular order.

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, this amendment would strike the \$6 million earmark for sugarcane growers in Hawaii, which was not included in the administration's emergency supplemental request.

I would again remind my colleagues of the Statement of Administration Policy which was issued on April 25, obviously on the legislation now being considered. Again, this has been repeated several times in the Chamber, but I think it is important to again quote from the administration's statement, saying:

The administration is seriously concerned with the overall funding level and the numerous unrequested items included in the Senate bill that are unrelated to the war or emergency hurricane relief needs. The final version of the legislation must remain focused on addressing urgent national priorities while maintaining fiscal discipline. Accordingly, if the President is ultimately presented a bill that provides more than \$92.2 billion, exclusive of funding for the President's plan to address pandemic influenza, he will veto the bill.

The administration statement goes on to say:

The administration strongly opposes the committee's agricultural assistance proposal totaling nearly \$4 billion. The 2002 farm bill was designed, when combined with crop insurance, to eliminate the need for ad hoc disaster assistance. In 2005, many crops had record or near record production and the U.S. farm sector cash receipts were the second highest ever. Furthermore, the proposed level of assistance is excessive and may overcompensate certain producers for their losses.

So the administration is pretty clear about this issue of these add-ons which have ballooned this bill from \$92 billion to \$105 billion or so.

I also point out for my colleagues' benefit that the American people are growing very weary of this earmarking process. Last Thursday, there was a poll published in the Wall Street Journal, which is an NBC News/Wall Street Journal poll, and it was interesting in that it says:

In particular, Americans who don't approve of Congress blame their sour mood on partisan contention and gridlock in Washington. Some 44 percent call themselves "tired of Republicans and Democrats fighting each other." Thirty-six percent say nothing seems to get done on important issues. Further, 34 percent cite corruption among lawmakers. Among all Americans, a 39 percent plurality say the single most important thing for Congress to accomplish this year is curtailing budgetary earmarks benefiting only certain constituents.

If there is ever a bill that would emphasize the frustration Americans have felt, it is this legislation that is before us.

A worthy cause, although I intend, along with others, to stop this business of continuing to fund the war in Iraq, which has been going on now a number of years now, the "emergency supplemental," it is long overdue and time to focus on the normal budgetary process because we know we will be spending

money on Iraq, unfortunately, for a long period of time. But this vehicle in itself is a violation of the normal procedures of the Senate because it should be authorized and then appropriated. But this vehicle is then, of course, used to load up unnecessary, unwanted, unfortunate, and sometimes outrageous additional spending.

For example, in this bill, which is not subject to this amendment, we have \$15 million to the USDA Ewe Lamb Replacement and Retention Program. This program already exists and is meant to assist with lamb breeding stock needs, not hurricane recovery; \$400,000 goes to the Rio Grande Valley sugar growers for assistance with sugarcane storage and transportation costs to the port of Baton Rouge, LA. Among the many sugar growers nationwide, why are we providing an earmark to this particular group?

There is \$120 million for sugarcane and sugar beet disaster assistance in Florida. Rather than using existing USDA disaster assistance programs, this legislation would establish a special program that caters directly and solely to Florida sugar. By the way, it is one of the most heavily subsidized industries in America today.

There is \$6 million to compensate owners of flooded crop and grazing land in North Dakota. Hurricanes in North Dakota? North Dakota is one of the nation's top producers of, you guessed it, sugar.

Mr. President, the amendment I offer today would strike an earmark in the bill that provides \$6 million to sugarcane growers in Hawaii. Obviously, the Hawaiian lands were not anywhere near the path of the 2005 hurricanes. Certainly it is appropriate that any farmer impacted by a natural disaster can seek Federal assistance which, as I already said, is why there are existing USDA disaster recovery programs authorized under the 2002 farm bill. But in this case the appropriators are establishing a special program that caters directly to Hawaiian sugar growers via a must-pass emergency appropriations bill.

I think it is important that we continue to go back, as we argue the merits or demerits of these earmarks, to the fact that this is the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery." Hawaiian sugar growers do not fit in any of those categories.

According to this bill, according to the legislation before us, the Secretary shall use \$6 million 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."

What does that mean? I can only assume this funding will be directed to the Hawaii Sugar and Transportation Cooperative, the only entity that received \$7.2 million from a nearly identical provision in last year's, guess

what, military construction appropriations. This same entity has already got \$7.2 million out of a MilCon bill. I am informed the members are the Gay and Robinson Sugar Company, the island of Hawaii, and the Hawaiian Commercial Sugar Company, the island of Maui. These are producer-owned sugarcane mills that own the land.

Let me repeat. The same cooperative got a bailout a year ago. Are we now going to start providing these two companies with annual supplemental appropriations bailouts? I urge my colleagues to question what we are doing.

Let me quote from the administration's Statement of Administrative Policy again:

In 2005, many crops had record or near record production and U.S. farm sector cash receipts were the second highest ever. Furthermore, the proposed level of assistance is excessive and may overcompensate certain producers for their losses.

What are we trying to do with this bill? We are trying to tell our farmers, no matter where you are or what you farm, don't bother with crop insurance because come next year's supplemental, we will dole out far more than you need.

As Secretary Mike Johanns said:

I have spent the last week studying the bill to try to get an understanding of the mechanics of the bill, but taking it a step further, trying to get an understanding of what we have done for disaster relief in the last year. And what is the agricultural economy like that may lay the foundation for somebody to say we need disaster relief.

He said for the 2005 and 2006 crop years, despite pockets of weather problems, "Every year you see them. For a country this big, it is unusual not to have some weather issues out there."

But despite pockets of problems, production and yields set records or near records recently.

Johanns' conclusions, after getting answers to his questions: "I got all that data and evidence, and that got me thinking, 'What are they trying to do with that bill?'" He is talking about the supplemental bill before us. "So I studied the bill and I must admit, my forehead started wrinkling."

Well, as noted in Saturday's Washington Post editorial, "Should Farming Be the Nation's Only Risk-Free Enterprise?" perhaps the intent in providing this \$6 million to the Hawaiian sugar growers is to prop up a sugar industry which has fallen on hard times. With rising diabetes and child obesity rates which have more than doubled since 1977, maybe sugar isn't in demand as in previous years. Maybe the efforts by parents to have soft drink machines stripped from public schools is having a prolific effect on sugar production. If only that were the case. In reality, consumption of sweeteners in the U.S. has risen from 113 pounds per person per year in 1966 to around 142 pounds per person per year in 2004. At that rate Americans consume the equivalent of about 1 teaspoon of sugar per hour every 24 hours, 7 days a week.

The U.S. News & World Report compared our sugar fix to other, more nu-

tritious agricultural commodities and found that Americans ate an abysmal 8.3 pounds of broccoli a year in 2003, something I can understand.

Again I question the need to spend more taxpayer dollars on sugarcane. Didn't we just vote last week not to fund a \$15 million marketing program for seafood? Certainly less than a week later we are not going to turn around and vote to fund marketing to support this effort.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. The yeas and nays are requested. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, the provision under attack at this moment was not snuck in during the dark of night. It was openly discussed with the authorizing committee and was granted approval. It was openly discussed with the Appropriations Subcommittee on Agriculture and it was granted approval. That is why this provision is in the supplemental. It was approved by the authorizers and the appropriators. Thirdly, it was openly discussed with the Secretary of Agriculture, and the Secretary issued a statement declaring that this was a disaster area.

Why do we call this a disaster? In one of those strange natural phenomena, for 40 days and 40 nights it rained in Hawaii. In one spot, it rained 126 inches in those 40 days. The average in most areas was 3 inches a day. Obviously, with such sustained heavy rains, you would have devastation. Many families lost their homes. Private property and public property were destroyed.

The \$6 million in this provision is to assist the two sugar companies, Gay and Robinson and Hawaiian Commercial and Sugar, with their crop losses, damage to their irrigation canal system, and washed out roads.

It may interest my colleagues to know that on the island of Kauai, that plantation suffered more than 100 miles of roads being severely damaged. They are washed out and require complete rebuilding. Some of the most critical roads were the access roads to irrigation, and these will have to be rebuilt.

In addition to the roads, the irrigation infrastructure on the island of Kauai was totally damaged and destroyed. This infrastructure damage has two costs. One is the cost of repairing, obviously, and the other is the sugar losses due to production disruptions. And the same can be said for the island of Maui.

The yield losses alone for the two companies will far exceed the amount we are requesting for assistance. Losses have occurred because of this damage.

In summary, heavy rains caused tremendous infrastructure damages. The

actual repair or reconstruction costs are much higher than the amount we are seeking.

I hope my colleagues will show some compassion and understanding. It is an emergency.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this provision was included in the committee bill in the agricultural disaster title of the supplemental because of severe weather-related damage to Hawaii's sugarcane crop this year.

Hawaii sustained heavy rains and flooding from February 20 through April 2, devastating and destroying public and private property. The funds were considered by the committee to be necessary to assist sugarcane farmers through their cooperatives with cane crop losses.

They also sustained damage to their irrigation canal systems, and there were public roads that were washed out resulting from the heavy rains.

I support the position of the Senator from Hawaii on this amendment and urge the amendment be defeated.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I will be very brief.

One of the things we know we are all going to have to look at in the 2007 farm bill is how do we continue down this road and be able to afford it.

The 2002 farm bill put in what was called crop insurance. Every time we put in a program that undermines the incentive to use crop insurance, all we do is add it to the deficit, and we come back.

There is no question there are some needs, and probably legitimate, but what this appropriation does is create an incentive for people not to use crop insurance. That is exactly what it does.

So if we want to unwind further and raise the costs for the American people of the farm bill we have today, all we have to do is keep this kind of funding in, and we will undo and make sure we spend more money in the future.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will be brief.

I understand Hawaii experienced severe flooding this winter. It should be pointed out that the heavy tropical rains did not lead to a Presidential disaster declaration. Surely the flooding impacted a broad range of agricultural commodities in Hawaii, not just sugarcane growers, and the Secretary of Agriculture is providing assistance under existing USDA disaster recovery programs. These programs will help farmers with noninsured crops, debt management, emergency loans, infrastructure repair, and farmland rehabilitation. Do we really need an additional earmark of \$6 million for Hawaiian sugarcane growers on top of the assistance already offered by the USDA?

Mr. President, I ask unanimous consent to print in the RECORD a USDA factsheet that contains the programs that are available: Emergency Conservation Program, Noninsured Crop Disaster Assistance Program, Disaster Debt Set-Aside Program, and the Emergency Loan Program.

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

ONGOING DISASTER ASSISTANCE PROGRAMS  
FOR AGRICULTURAL PRODUCERS  
OVERVIEW

The Farm Service Agency (FSA) offers farmers and ranchers various types of disaster aid to facilitate recovery from losses caused by drought, flood, freeze, tornadoes, hurricane, and other natural events. Ongoing disaster assistance programs available to eligible producers are:

EMERGENCY CONSERVATION PROGRAM (ECP)

ECP provides funding for farmers and ranchers to rehabilitate farmland damaged by wind erosion, floods, hurricanes, or other natural disasters and for carrying out emergency water conservation measures during periods of severe drought. The natural disaster must create new conservation problems which, if not treated, would:

Impair or endanger the land;  
Materially affect the productive capacity of the land;

Represent unusual damage which, except for wind erosion, is not the type likely to recur frequently in the same area; and

Be so costly to repair that federal assistance is, or will be required, to return the land to productive agricultural use.

NONINSURED CROP DISASTER ASSISTANCE  
PROGRAM (NAP)

NAP provides financial assistance to eligible producers affected by drought, flood, hurricane, or other natural disasters. NAP covers noninsurable crop losses and planting prevented by disasters.

Landowners, tenants, or sharecroppers who share in the risk of producing an eligible crop may qualify for this program. Before payments can be issued applications must first be received and approved, generally before the crop is planted, and the crop must have suffered a minimum of 50 percent loss in yield.

Eligible crops include commercial crops and other agricultural commodities produced for food, including livestock feed or fiber for which the catastrophic level of crop insurance is unavailable.

Also eligible for NAP coverage are controlled-environment crops (mushroom and floriculture), specialty crops (honey and maple sap), and value loss crops (aquaculture, Christmas trees, ginseng, ornamental nursery, and turfgrass sod).

DISASTER DEBT SET-ASIDE PROGRAM (DSA)

DSA is available to producers in primary or contiguous counties declared presidential or secretarial disaster areas. When borrowers affected by natural disasters are unable to make their scheduled payments on any debt, FSA is authorized to consider set-aside of some payments to allow the farming operation to continue.

After disaster designation is made, FSA will notify borrowers of the availability of the DSA. Borrowers who are notified have eight months from the date of designation to apply. Also, to meet current operating and family living expenses, FSA borrowers may request a release of income proceeds to meet these essential needs or request special servicing provisions from their local FSA county offices to explore other options. A complete

fact sheet about DSA can be found at <http://www.fsa.usda.gov/pas/publications/facts/debset05.pdf>.

EMERGENCY LOAN PROGRAM (EM)

FSA provides emergency loans to help producers recover from production and physical losses due to drought, flooding, other natural disasters, or quarantine.

Emergency loans may be made to farmers and ranchers who own or operate land located in a county declared by the president as a disaster area or designated by the secretary of agriculture as a disaster area or quarantine area (for physical losses only, the FSA administrator may authorize emergency loan assistance). EM funds may be used to:

Restore or replace essential property;  
Pay all or part of production costs associated with the disaster year;  
Pay essential family living expenses;  
Reorganize the farming operation; and  
Refinance certain debts.

Mr. MCCAIN. Mr. President, I also ask unanimous consent to print in the RECORD the editorial contained in the Washington Post on April 29 basically saying:

There are, no doubt, farmers who have suffered severe losses this year. Isn't that what crop insurance—government-subsidized crop insurance, to the tune of \$4.2 billion this year—is supposed to be about?

The administration is right to oppose this provision;

They are talking about the provision of \$4 billion in disaster payments to farmers as part of the emergency spending bill—

the Senate ought to show enough discipline to take it out.

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

[From the Washington Post, Apr. 29, 2006]

FARMERS AT THE TROUGH

Farm Subsidies have risen from \$8 billion in 1997 to a projected \$22 billion this year. Farm earnings have risen, too. Net farm income grew from \$36 billion in 2002 to a record \$83 billion in 2004. Although that fell last year to \$72 billion and is forecast to drop again 2006, to \$56.2 billion, that's still above the 10-year average.

But why let good news stand in the way of even more payments to farmers? The Senate is poised to add \$4 billion in "disaster" payments to farmers as part of the emergency spending bill it's debating. A big chunk would go to farmers who have suffered no other disaster than the high energy prices that are hitting every other sector of the economy—not to mention anyone who drives a car.

Under the Senate proposal, farmers who already receive cash subsidies for the corn, wheat, cotton or other crops they grow—money they get when prices are high or prices are low, in good years and bad—would get an extra 30 percent, at a cost of \$1.56 billion on top of the \$5.2 billion the government is already spending. Because payments are based on the size of farm operations, this would funnel the largest amounts to the biggest commercial farms; according to an analysis by the Environmental Working Group, just 10 percent of bonus subsidy recipients will collect nearly 60 percent of the money. More than 50 producers would collect an extra \$100,000 or more. Meanwhile, 60 percent of the nation's farmers would get nothing under this program because they raise livestock or grow crops that aren't eligible for the subsidy.

Proponents of the spending point to droughts in Iowa, floods in North Dakota and wildfires in Texas—calamities that have affected farmers there, they say, in much the same way Hurricane Katrina slammed those in the Gulf Coast. There are, no doubt, farmers who have suffered severe losses this year. Isn't that what crop insurance—government-subsidized crop insurance, to the tune of \$4.2 billion this year—is supposed to be about? True, crop insurance doesn't cover, all losses, but should farming be the nation's only risk-free enterprise? Besides, one of the theories behind the egregious 2002 farm bill was that it would, at least, provide generous enough payments year in and year out that farmers wouldn't need emergency bailouts.

The administration is right to oppose this provision; the Senate ought to show enough discipline to take it out. Don't count on it, though. On Wednesday, Senate Majority Leader Bill Frist (R-Tenn.) touted a letter to the president, joined by 35 of his colleagues, pledging to sustain a threatened veto if the spending package exceeds the administration's requested \$95.5 billion. That same day, the Senate voted by a veto-proof 72 to 26 against removing the farm spending and other provisions from the bill—current price tag, \$106.5 billion.

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, if I may respond, on April 2 of this year, the rains ended. The Governor of Hawaii, in a most expeditious manner, gathered all the facts and filed a report with the President of the United States on April 10. That letter to the President requested that the President issue a declaration of disaster. It is now in the White House under consideration. It is unfortunate it is not before us, but we have been assured that it will be part of the declaration. I wish the record to show that the State of Hawaii did go through every regular step to make certain this request was done in the regular fashion.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 3617. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—40

Alexander	Dole	Martinez
Allard	Ensign	McCain
Allen	Enzi	McConnell
Brownback	Feingold	Nelson (NE)
Bunning	Frist	Santorum
Burr	Graham	Sessions
Chafee	Grassley	Snowe
Coburn	Gregg	Sununu
Collins	Hagel	Thomas
Cornyn	Hutchison	Thune
Craig	Inhofe	Vitter
Crapo	Isakson	Voinovich
DeMint	Kyl	
DeWine	Lugar	

NAYS—59

Akaka	Dorgan	Murkowski
Baucus	Durbin	Murray
Bayh	Feinstein	Nelson (FL)
Bennett	Harkin	Obama
Biden	Hatch	Pryor
Bingaman	Inouye	Reed
Bond	Jeffords	Reid
Boxer	Johnson	Roberts
Burns	Kennedy	Salazar
Byrd	Kerry	Sarbanes
Cantwell	Kohl	Schumer
Carper	Landrieu	Shelby
Chambliss	Lautenberg	Smith
Clinton	Leahy	Specter
Cochran	Levin	Stabenow
Coleman	Lieberman	Stevens
Conrad	Lincoln	Talent
Dayton	Lott	Warner
Dodd	Menendez	Wyden
Domenici	Mikulski	

NOT VOTING—1

Rockefeller

The amendment (No. 3617) was rejected.

Mr. INOUE. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to discuss an amendment, filed by Senator NELSON of Florida and myself, joined by Senators LIEBERMAN, LAUTENBERG, KERRY our distinguished minority leader, that will provide serious resources, not just lipservice, to help us kick the oil addiction habit and put this country on a long-term path to real energy security. At a time when American families are spending exorbitant amounts to fill their cars and heat their homes, when this Nation is using ever increasing quantities of foreign oil, when our coastal communities are threatened by rising sea levels caused by global warming, we need a new approach. For the sake of our economy, our security, and our environment, we need to act now.

For years, this administration has promoted one course—more drilling. Instead of making the necessary and timely investments needed to push this country in the direction of a sustainable energy policy, the administration has beat one drum over and over again—drill, drill, drill. Drill in the Arctic, drill in our wilderness, drill off our beaches. This is not the way to kick our oil habit. The President claims to have seen the light, and now touts the virtues of efficiency and the importance of biofuels and renewable energy, and we applaud him. But he proposes to fund the Department of Energy's Efficiency and Renewables programs at the same level they were at in 2001, and he refuses to endorse higher mileage standards for automobiles, which are the same now as they were years ago.

Our energy situation has reached a critical point, and it is truly an emergency. Secretary of Energy Bodman even admitted on Sunday that we are facing a crisis. Gas prices are nearing their record highs, rising 41 cents in

the past month and over 54 cents since the Energy bill was signed into law last August. Many of the countries that we depend on for our oil are politically unstable or have unfriendly regimes. The Iranian situation, in particular, threatens to drive oil prices far higher. We can not allow our economy to be continually held hostage by the whims of OPEC.

This is not just about economic security. It is about national security. As former CIA Director James Woolsey testified before the Energy Committee, the hundreds of billions of dollars we send abroad each year to feed our oil addiction help to fund the very organizations that preach hatred for America.

We should have taken serious action years ago. The American people can afford to wait no longer. The Nelson-Menendez amendment provides the immediate funding we need to allow us to take control of our destiny and create a brighter, cleaner, and safer energy future for America. It provides \$3 billion for a wide range of efficiency, security, and research and development programs—programs the President talks about in glowing terms but does not propose to actually fund.

His 2007 budget barely includes half of the authorized funding for renewable energy research, and provides less than 2 percent for the incentives needed to encourage the installation and use of renewable energy. Our amendment would add \$50 million for renewable energy research and development in the Department of Energy, over \$100 million in renewable energy rebates for homes and small businesses, and \$200 million for the Department of Defense to do its part to meet the renewable energy goals set out by the President and in the law.

The administration has tried for years to portray efficiency as a vice, something that is totally inconsistent with the American way of life. Recently they have changed their tune, but not their actions. The President's budget actually cut energy efficiency programs by 13 percent. That simply astounds me. Few things are more effective for curbing our addiction to oil than becoming more energy efficient. A 2001 study by the National Academy of Sciences found that a \$7 billion investment in DOE energy efficiency programs had returned \$30 billion in benefits. That's better than 4 to 1. But the President cut efficiency programs by over a hundred million dollars. The weatherization program, which helps low-income families reduce fuel use and lower their energy bills, has been shown to provide well over \$3 of benefit for each \$1 spent. But the President proposed to slash that by nearly 30 percent.

Our amendment recognizes the tremendous benefit we as a Nation receive by becoming more efficient, and provides an additional \$300 million for energy efficiency programs, and another \$225 million for weatherization grants.

If we want to make a serious dent in our use of oil, however, we need to look at the transportation sector, which is responsible for two-thirds of our national oil consumption. While everyone seems to agree on the need to get more flex fuel and alternative-fuel vehicles on the road, and the urgency of producing cellulosic ethanol, the administration simply does not make the real financial commitment. But this amendment does. It provides \$150 million for vehicle research programs, \$350 million for the clean cities program, \$200 million for biomass research and development and \$250 million in production incentives for cellulosic fuels.

There are also provisions in this amendment to increase the reliability of our electricity grid, encourage the Federal Government to purchase alternative fuel vehicles, help improve the efficiency of aircraft, and much more. It is a large amendment because this is a large problem. Our economy, our environment, and our national security are all too important to be left to the best interests of OPEC and the giant oil companies. Skyrocketing gas prices have been a wake-up call for everyone, but even if we succeed in providing relief for American consumers, as my amendment last week would have done, we can not afford to go back to sleep on this issue. The American people expect us to get serious about our energy future, and they expect us to do it immediately. If we don't act now, when do we act?

So even though I fully recognize the rules of the Senate and understand the nature of the debate we are having today, I do believe we are in an emergent process as it relates to our energy independence, to our energy security, to giving consumers an opportunity for a break.

Therefore, I ask unanimous consent that any pending amendments be laid aside to call up amendment No. 3721 and that it be considered germane for the purposes of rule XXII.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BENNETT. Mr. President, I ask unanimous consent, the order for recess notwithstanding, I be allowed to speak for up to 10 minutes as if in morning business.

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

THE ECONOMY

Mr. BENNETT. Mr. President, last week we had numbers that came out with respect to the economy. We also had testimony from the chairman of the Federal Reserve Board with respect to the economy. And as recently as yesterday we had some stunning numbers that came out telling us what is happening in the economy. I would like to review those very quickly for the Members of the Senate.

This chart demonstrates that the economy remains strong. Last week's number said that economic growth in the first quarter was 4.8 percent.

As you can see on the chart, that is the highest number since we had the spike in 2003.

Each one of these dark figures represent a quarter and demonstrates that the economy has now grown ever since the end of the recession in 2001. We had weak growth for the first little while and then the economy has been growing very strongly ever since.

This a very strong and vibrant economy, as Chairman Bernanke made clear in his testimony to the Joint Economic Committee.

People want to talk about jobs. Let us look at the unemployment rate.

If you will notice, the shaded areas in the chart represent the last three recessions. In the recession of the 1980s, unemployment got into double digits—10.8 percent is where it spiked. In the recession that occurred in the early 1990s, unemployment got to 7.8 percent—spiked at that point. In the recession we just had, unemployment spiked at 6.3 percent, a relatively low level, but it has been zinging ever since, and it is now at 4.7 percent.

I have sections of my State—and I trust others have in theirs—where there are more jobs than there are people, where people are looking for jobs. The unemployment rate is going down and demonstrating the strength of this economy as it generates new jobs.

Here is the flip side of that. This chart shows payroll jobs either lost or created.

Here, each bar represents a month. Starting in 2003, instead of losing jobs, we began to gain jobs each month. And there are over 5.1 million new payroll jobs that have been created since the Senate and the House passed the 2003 Tax Relief Act.

More Americans are working today than at any other time in our history. There are more jobs today than at any other time in our history. This is a consequence of the robust economy.

The next chart shows the growth of business investment. You will notice there are no dates. These are quarters. The red shows quarters in which business investment shrank and the blue shows quarters in which business investment grew.

I ask as a test for people: What is the date when the bars went from red to blue? We didn't put them on the chart. If you were to guess that it was the first quarter of 2003, the time when the tax cuts took effect, after which the tax cuts changed the pattern for business investment, you would be correct. You can see the dramatic difference between the quarters that preceded the tax relief and the quarters that succeeded it.

I would be the first to concede that it is not a pure cause-and-effect relationship. But I think the chart demonstrates that you cannot discount the fact that the tax cut had a significant beneficial effect on the economy.

Business activity continues to grow.

This chart gets a little bit busy, but the line in the middle is the line between growth and shrinkage. And the two graphs, the red one is the growth in services, the blue one is growth in manufacturing.

For those who say manufacturing is in trouble, look at the facts.

Again, starting in 2003, manufacturing crossed the line and became positive and has been positive ever since.

Yesterday this appeared in the Associated Press:

Manufacturing cranked up. Builders boosted construction spending to an all-time high, and consumers opened their wallets wider, fresh signs that the economy has snapped out of its end of the year slump.

This was the message coming from the latest patch of economic reports released Monday.

A report from the Institute for Supply Management showed that factory activity expanded with gusto in April. The group's manufacturing index rose to 57.3 in April; from 55.2 in March. The showing was much better than the predicted reading of 55 that economists were expecting.

So business activity continues to grow.

To tick off the facts of what has happened since May of 2003 when the tax cuts kicked in, real gross domestic product growth has averaged 4 percent; over 3½ million new payroll jobs have been created; the unemployment rate has fallen to 4.7 percent; manufacturing has expanded for 35 consecutive months; service industries expanded for 36 consecutive months; business investment has increased for 10 consecutive quarters, with growth averaging over 9 percent; inflation-adjusted after-tax income has grown by almost 5 percent; the Dow Jones Industrial Average is up 27 percent; the NASDAQ is up 44 percent; and, taxes paid on capital gains was \$80 billion dollars last year, compared to taxes paid on capital gains in 2002 which was \$49 billion.

We hear a lot of gloom and doom on this floor. We hear a lot of people talking about how bad things are. The facts do not support that.

The economy is strong. The economy is going forward, and the economy is in a boom period and has been since the tax cuts took effect in May of 2003.

I yield the floor.

#### RECESS

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

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 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

AMENDMENT NO. 3626, AS MODIFIED

Mr. VITTER. Mr. President, I ask unanimous consent to call up and pass amendment 3626, as modified. This amendment is noncontroversial but very much needed and has been cleared by both the majority and minority side and all leaders of the relevant committees.

Mr. COCHRAN. Reserving the right to object, No. 3626 is listed on one list of amendments I have as having been passed.

It is pending. It is a community disaster loan limits amendment.

Mr. VITTER. Precisely.

Mr. COCHRAN. Because of some question as to whether this is cleared on the Democratic side, I suggest the absence of a quorum.

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

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. VITTER. Mr. President, I renew my request that amendment No. 3626, as modified, by Senator LANDRIEU and myself, be called up and passed by unanimous consent.

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

The question is on agreeing to the amendment.

The amendment (No. 3626), as modified, was agreed to.

AMENDMENT NO. 3641, DIVISION IV

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment 3641, division IV, be called up.

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

Mr. COBURN. We are considering a very large supplemental spending bill that now stands about \$10 billion larger than what the President has said he will sign. I thought it would be interesting to spend a minute to think about what \$1 billion is because we throw that number around so often. We need to consider that \$1 billion is a difficult number to comprehend.

A billion seconds ago, it was 1959. A billion minutes, ago Jesus was alive. A billion hours ago, some would say our ancestors were living in the stone age. A billion days ago, no one walked on Earth on two feet. A billion dollars was only 8 hours 20 minutes ago at the rate we are spending money in the Federal Government.

A billion is a hard number to get your arms around. It is an interesting number and \$10 billion more than what the President thinks we need. More than what we actually need is a tremendous amount of money.

The second point I make in talking about this amendment is that the money we are going to spend on this emergency supplemental bill we will not ever see anywhere when we come to talk about the deficit because it will not get included in the deficit reported by the Federal Government. What it will get included in is the payments your children and grandchildren will have to pay back 30 years from now, amortized at 6 percent, and that \$10 billion is going to come to about \$50 billion when they pay it back. We are reaching forward and stealing opportunity from our kids.

This particular amendment deals with an item in the supplemental that is meant to help a very significant contractor in our defense industry. They do a lot of great things for this country in terms of supplying jobs, giving us great equipment, great ships, great tools for our men and women to fight with and defend this country. I understand the damage that has occurred in both Pascagoula and all the shipyards along the coast. We are making plans to do what is right. In the supplemental, we put greater than \$1.5 billion toward that.

There is a significant amount of loss that was incurred by Northrop Grumman as the hurricane came on shore and damaged both their facilities and their equipment. They had significant operating losses from that. My problem with the amendment is they have insurance with which to cover this loss. No one knows exactly how much it is going to be. Northrop Grumman says by their own public statements that \$500 million was their business interruption cost insurance, so it could be upward of \$500 million. It is probably somewhere between \$100 and \$200 million.

If we allow this amendment to go through, we set significant precedence that we will be hard pressed to ever break.

First of all, this is a private contractor with insurance who is now suing their insurance company for the claims they have made that will not be adjudicated until 2007.

One of the messages we will send if we pass this supplemental with this in it is we will tell the rest of the defense contractors: You do not have to have business interruption insurance. Why would you have to if the Federal Government is going to come in and pick up the tab?

There is an answer that whatever is collected will come back and be paid to the Navy if, in fact, we intercede in the midst of this contract dispute for Northrop Grumman. I hear what the contracting office says, and it is a fairly important point because the contracting officers and the contracting office know the right of legal loss doctrine. Most of our insurance, whether it is homeowners, auto insurance, or business interruption insurance, runs on the doctrine of legal loss. Legal loss in insurance contracting says that if

you get paid by someone else, we do not have to pay you.

This amendment is not so much about being against helping Northrop Grumman; it is about not helping their insurance firm which actually owes this money, which will be adjudicated in the future, and not limiting their responsibility and not transferring that responsibility from them to our children and our grandchildren.

September 28, 2005—this is the Contract Management Agency for the Defense Department:

This office believes it would be inappropriate to allow Northrop Grumman to bill for costs potentially recoverable by insurance because payment by the Government may otherwise relieve the carrier from their policy obligation.

If the Government pays the costs, or agrees that the costs are even tentatively or conditionally allowable, there is a risk that insurers will deny coverage on the basis that there has been no loss suffered by Northrop Grumman.

In fact, that is exactly right. If we pay the loss, Northrop Grumman does not have a loss, and therefore the legal loss doctrine will apply to this contract, so there will not be a lawsuit. This is in litigation.

I also make the point that Northrop Grumman, by their CEO's own statements this year, said that it continues to expect sales of \$31 billion; earnings per share between 4.25 and 4.40; and cash from operations, free cashflow, between \$2.3 and \$2.6 billion. If this is \$100 million or \$200 million, they have all the capability in the world to borrow that money, pay the interest, and collect the interest charges against the insurance company. We are setting a terrible precedent by doing this.

The other thing we are going to do is send a message to every other defense contractor: Don't get business interruption insurance because we will come in and pick up the tab.

I want them to be fully remunerated. I want the shipyards to be up and running. I want every aspect we can deploy that will make things happen, that will resecure the jobs, resecure our production of ships. But I don't want to do that when Factory Mutual Insurance Company really should be on the hook for this, not our children and our grandchildren.

The other point I make is should companies that contract as defense suppliers and make billions each year be put ahead of the others waiting in line for help? Is it going to be our policy by this bill to further subsidize the business interruption insurance of all the rest of the contractors?

Their own litigation filed in California says:

There is no reason to allow Factory to avoid accountability for its wrongful actions.

I agree. And by keeping this in the bill, we will allow Factory Mutual to avoid accountability for its obligations.

Mr. President, I ask unanimous consent to have printed in the RECORD the

Defense Contract Management Agency letter, dated September 28, 2005. There has also been the filing of Northrop Grumman Corporation against Factory Mutual Insurance Company in the U.S. District Court for the Central District of California.

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

DEFENSE CONTRACT  
MANAGEMENT AGENCY,

Los Angeles, CA, September 28, 2005.

Memorandum for all Sector Administrative Contracting Officers (ACOs).

Subject: Hurricane Guidance.

Until all avenues for recovery from insurance carriers are exhausted by the contractor it is recommended that Contracting Officers not approve payments for costs associated with or related to the hurricane disaster(s) if such costs are potentially recoverable through insurance by the contractor.

This office believes that it would be inappropriate to allow Northrop Grumman to bill for costs potentially recoverable by insurance because payment by the Government may otherwise relieve the carrier from their policy obligation.

If the Government pays the costs, or agrees that the costs are even tentatively or conditionally allowable, there is a risk that insurers will deny coverage on the basis that there has been no loss suffered by Northrop Grumman. It is my recommendation that insurance policy(s) be reviewed. Additionally it would be prudent to reach an agreement with Northrop and the insurer before making payments for any otherwise allowable costs.

This matter is under continuing review and additional information will be forwarded as appropriate.

Please forward this correspondence to subordinate sector ACOs. Questions should be addressed to me.

DONALD P. SPRINGER,

Defense Corporate Executive.

Mr. COBURN. I also note that Northrop Grumman is the fourth largest defense contractor we have in the country. I also note that Northrop is already the recipient of billions of dollars in Government contracts, including some contracts that otherwise could be considered largess. I will not go into that.

I would make a final note that the House Appropriations Committee, when they passed their bill, put this into the Record:

The Committee believes strongly that funds in this Act and under this heading in prior Acts should not be used to substitute for private insurance benefits. The Committee is aware that some shipyards have business interruption insurance coverage that could potentially overlap with the Navy's budget for increased delay and disruption costs.

I understand the Navy. We have an obligation for delay and disruption costs. There is no question about that.

On March 1, 2006, the Committee received the Navy's certification that there is no overlap between shipyard insurance claims and the Navy's funding plan, and that costs covered by private insurers were not included in supplemental request estimates. Once again in this bill, the Committee directs the Navy not to obligate funds under this heading until the Secretary of the Navy certifies that no such funds will be used for activities or costs that are subject to reimbursement by any third party, including a private insurer.

The final point I would make is the President's message to Congress on why he would be against us funding this. He made some significant points, and I will summarize them. One is they do not think this is necessary. No. 2, it violates clear contracting guidelines. And, No. 3, it sets a terrible precedent for the future, not just on our coast but for any other defense contractor that might have a loss based on a natural catastrophe, that we would now have a precedent that we would supply that.

The American people want to help solve the problems on the gulf coast. We want to create a vigorous business environment. We want to create a vigorous defense industry. This is a step too far. I believe we need to back up and let the private sector take care of its obligations, as it should, to help us meet our obligations and then move forward.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am sympathetic to the Senator's concerns, that he expressed. As I understand the point he makes, it is that we should not create a situation where a shipbuilder can both get disaster funds from the Federal Government and insurance benefits from hurricane coverage and, thereby, be unjustly enriched by getting money from two different sources for one disaster.

The language of the general provision, which the Senator purports to amend with this amendment, prevents a shipbuilder from getting double payment, in effect. The Senator's amendment strikes the provision and the language in the provision which guarantees that.

I think there is no disagreement between us as to what the outcome ought to be. What we are trying to do is reduce costs to the U.S. Navy and, thereby, to the U.S. taxpayers for future shipbuilding activity by reimbursing the shipbuilder for damages caused by the hurricane, purely and simply. There is no effort to prevent the shipbuilder from recovering what it is entitled to recover from the insurance companies that had coverage in this situation.

But the fact is, you could not get insurance coverage for all of the damages done by the hurricane, only some. The policy defines the obligation. The contract, in effect, between the shipbuilder and the insurance company defines what benefits the shipbuilders are entitled to receive. And these contracts are being honored, some maybe not as generously as the shipbuilder would like. But that is something to be reserved between the shipbuilder and the insurance carrier. And if litigation develops and is resorted to as a way to resolve that, so be it; that happens.

But what we are seeking to do is to acknowledge that the shipbuilder was impeded by the hurricane from proceeding under contracts that it had with the Navy to hire and make avail-

able workers on a reliable, predictable schedule that would ensure the ships' future construction on time under the contract.

Some of those costs cannot get reimbursed from the insurance company. There are provisions in the insurance agreements that prohibit the collection of benefits for some of those costs that were caused directly by the hurricane.

So what we have attempted to do is to work with the Navy, consult with the shipbuilder, and try to provide authority in this supplemental bill to help control costs of ships, now and in the future, with a possibility of insurance proceeds offsetting Government costs. Or we can exclude this provision, as the Senator is trying to do, and pay the resulting higher costs through higher taxes, more appropriations to help pay the costs to the Navy to pay for the ships.

To me, I think this amendment reflects a difference in understanding of what the language of the supplemental seeks to accomplish. We do not disagree with the motivation of the Senator from Oklahoma. We applaud his effort to review carefully and make sure we are not "wasting" money in this supplemental, that the taxpayer is benefiting, not a shipbuilder being unjustly or inappropriately enriched. I guarantee you that is not the purpose of the assistance that is provided in this section of the bill, this general provision of the bill.

Here is what it seeks to do. And we think it does do this: The general provision adjusts ship contract target costs for the effects of Hurricane Katrina. It provides the U.S. Navy with reimbursement of future shipbuilder insurance receipts. And it makes clear that payments made by the Government to the shipbuilder could not be treated as collateral insurance coverage and could not be used as a reason for insurers not to honor their policy obligations.

That is the purpose of the general provision. I challenge anybody to disagree with that purpose as laudable, as important, and as fair to the taxpayers, to the shipbuilder, and to the insurance companies that have coverage.

This provision was included because it is clear that the impact for delaying the recapitalization of the shipyards will have long-term negative impacts to the Navy's shipbuilding program by making ships more expensive and taking longer to build.

We can provide this authority now to help control the costs of ships, and with the possibility of insurance proceeds offsetting Government costs, or we can exclude this provision and pay for the resulting higher costs of ships.

And note this. The estimated cost of this provision is \$140 million, to be paid from within the \$2.7 billion the President requested in the shipbuilding account. Hear that? The President requested \$2.7 billion in his submission in this request. And a 3- to 6-month ship-

yard recapitalization delay is estimated to cost \$300 to \$600 million in increased ship costs.

This is serious business. You can pay me now or pay me later. I guess that is the way to say it. But the whole point is, we can appropriate this money in this supplemental that the President requested. We have identified the part that is going to be used to pay the costs of this amendment.

So in response to Hurricane Katrina and the disaster that resulted to the region, the President requested over \$2½ billion—\$1 billion in this supplemental and \$1.7 billion in the last supplemental—in the Shipbuilding and Conversion Navy account to address these ordinary costs to replace destroyed or damaged equipment, prepare and recover naval vessels under contract, and, most relevant to this debate, provide for cost adjustments for naval vessels for which funds have been previously appropriated.

So what happened is the President's request did not address or take into account all costs associated with Katrina. So a general provision was added to adjust an existing Navy ship contract's target costs for the effects of Hurricane Katrina. It ensures the industry does not receive redundant funding from the Government and insurance companies. But—guess what—the amendment offered by the Senator, my friend, deletes this provision. That should not be done.

The focus of this supplemental is to provide disaster relief and recovery for hurricanes, including Katrina. Katrina caused the costs of ships that were already under contract with the Navy to increase. Increased costs were occurring because of the disaster.

The provision included in the bill does not impose additional costs. Instead, it directs that all costs be paid from within the \$2.7 billion shipbuilding account requested by the President to address the hurricane recovery costs.

In my view, the Senate needs to reject the amendment of the Senator. Let's carry forward in this bill this general provision.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, let me address a question to the distinguished chairman of the committee because I thought his remarks were very well done and answered a number of questions that have been put out in the discussion of this language in the media. But I think it is important to clarify a few of those points.

The first point you are making is that this is not an additional or added expenditure. This will come out of the \$2.7 billion that has already been requested to go into this shipbuilding recovery effort; is that correct?

Mr. COCHRAN. Mr. President, if the Senator will yield, he is absolutely correct. There is, in this general provision, a reference to the \$2.7 billion that is contained in the President's request

submitted to the Congress, a request that we appropriate that amount. He is right. We are not creating new funding in this provision but trying to spell out what that funding should be used for.

Mr. LOTT. Well, Mr. President, I thank the chairman for that clarification and for making that point. I might also ask this question: The Senator was a very capable young lawyer in our State years ago, president of the young lawyer's section, and I think he understands this sort of issue. Are you satisfied that this language is such that when and if there is an insurance recovery, those funds will come back to the Federal Government?

Mr. COCHRAN. The Senator is correct. It will not result in a double payment, in effect, to the shipbuilder, of course. And any insurance proceeds that offset the Government's costs are excluded specifically from this provision.

Mr. LOTT. One final point that the Senator made that I think is a very important one. If we do not allow this provision to remain in this legislation, the net cost is going to be twice as much or more.

I believe the questions that have been posed have been answered correctly and appropriately by the chairman of the committee. This provision does not require additional funds. Payments will come out of funds that have already been earmarked for shipbuilding recovery. It is not going to be a process where the shipbuilder will be relieved of trying to recover from the insurance company and, if they recover, they get to keep it. It is important to emphasize those points.

Let me confess to my colleagues, this is personal with me. I admit it. This is my hometown. I grew up in the shadow of this shipyard where 13,000 men and women make their livelihood, the biggest single employer in the States of Mississippi and Louisiana and at one point of Alabamians, a critical component of our national security. They build some of the most sophisticated ships in the world—destroyers, cruisers, LHAs, LHDS, LHARs. And that shipyard got hammered by hurricane Katrina. My dad was a pipefitter in that shipyard and was in the pipe department when he was killed in an automobile accident. I don't just see statistics and numbers; I see neighbors, classmates, men and women who believe in what they do and build quality product. They have been hit a grievous blow.

I understand the effort of the Senator from Oklahoma. On many similar occasions, if I didn't know all the facts or if I weren't as intimately involved, maybe I would be doing something similar to what he is. I understand. But I don't think he has all the facts. Maybe the clarification that my colleague from Mississippi made will help him.

The magnitude of what we were hit with is the most devastating thing we have ever seen. I won't bring out a lot

of charts, but so you will get some idea of the destruction, here is a picture of the shipyard right after the hurricane. This whole shipyard had a direct hit. It is right on the mouth of the river. It got hammered. Five hundred men and women put their lives at risk that night trying to keep ships that were moored there from sinking. This is what we were dealt. Everything in that shipyard was under water. And by the way, just so you will get some idea, there in the background of this picture, those cranes are actually on the water. This photo was actually taken a distance inland, and you see the kind of destruction that was brought on us.

One of the things we did in the aftermath of the hurricane was to say: OK, let's rescue people. Let's get them the basics. Then we sat down and said: What is the order of what we ought to do? No. 1, we need to get our people back to work first. Because if we can get them back in their jobs, even if they don't have a home or a truck, that will begin the return to normalcy. They will have income. Then let's get our schools open. Then let's remove the debris. So we had an order. We have not done this haphazardly.

This provision was not stuck in the bill as an afterthought. It was carefully done. It was done after looking to see what the actual impact was going to be.

Several shipyards in my area—three of them, as a matter of fact—owned by VT Halter had “only” 20 or 30 feet of water. But this shipyard was completely shut down. They made a valiant effort to feed people, get people back to work. Now the shipyard is back up to probably 11,000 people working there.

Talk about getting insurance. Let me put the shipyard in my place. My wife and I lost our home. It is totally gone. I had flood insurance. I also had a household policy. My insurance company said: You had no wind damage. We will pay you nothing. After that house sat there for 4 to 6 hours being hammered by winds of 140 miles an hour with gusts at 160 and 170, they came back and said: No, you didn't have any wind damage. It is not credible. So what am I going to do? I guess I could hock everything and rebuild on that site before I get any insurance, but the “no payment” or the “slow payment” of insurance companies is retarding the entire gulf coast. They are like me; I can't rebuild until I get some insurance proceeds.

They have the problem of how much can they put into this situation without getting the plant back up to operation. They have spent \$550 million to clean up this shipyard, repair the facilities, repair the ships, and cover the cost of business interruption not caused by them. They have done their part. In fact, of that \$550 million, less than one-third, about \$175 million, has been recouped so far from the shipyard's insurance companies. They are going to continue to pursue these insurance claims. I hope they are going

to get a good settlement and they will be able to go forward with business.

But this shipyard had a billion dollars of damage. This matter is about national security. It is about the Navy. It is about the world's best ships. It is about men and women who have busted it to get that shipyard back on line.

The same thing has happened in Louisiana, where a lot of work is done on the LPDs and where they went back to work before they had a bed to sleep in. So this provision is the right thing to do for Gulf Coast recovery and to help the Navy maintain the cost and schedules for its ships.

Let me give you a couple of examples of quotes after the hurricane. After the hurricane, Assistant Secretary of the Navy John Young recognized the significant impact of that storm on Navy shipyard building and national defense. In a letter to Navy and Defense Department leadership, Secretary Young wrote that:

The Navy [should] take an aggressive and proactive approach in helping restore shipyards and returning workers to shipbuilding tasks. Importantly, this approach has the short-term benefit of contributing in a significant way to the restoration of jobs and the economy in the Gulf Coast.

Yard restoration delays, loss of the skilled workforce, and ship delivery delays will translate directly into creation in future years of significant new prior year completion bills on Navy shipbuilding programs.

That was very thoughtful. He was looking at it realistically in the immediate aftermath of this terrible storm. He recommended an action that was appropriate.

Some people say it wasn't in the President's budget. Presidents' budgets don't come down from heaven. They sometimes don't include everything that should be included or maybe it will include something that should not be included. We are a coequal branch of government. We do have a say in these issues. Sometimes we can help. When it came to getting Medicaid for the States affected, we had to take the lead. When it came to getting tax incentives for businesses and industry to create new jobs, we took the lead. When it came to finding a solution for the people who had a home that was not in a flood plain—after the hurricane all they had left was a slab, no insurance, no way to rebuild, and nobody had a solution—Senator COCHRAN came up with a solution and the administration signed it. They didn't do it; we did it in the Congress. We are from there. We are of this situation. We understand the problems.

We are trying to be reasonable. We told our colleagues months ago about what we would need to recover. We have not exceeded that estimate. We are way under that estimate. In some categories we are not even going back and saying we need more, even though we were somewhat shortchanged. We are trying hard to help the people who have been dealt a grievous blow. If we don't do this, the people in that shipyard will be hurt, the Navy will be

hurt, and it will cost us more. I want to make sure we get the insurance recovery.

I am a plaintiff for the first time in my life. I didn't want to do that. When I met with shipyard officials immediately after the hurricane, I went out there, and they were feeding the people on a ship that was moored. There was no electricity. I said: What about insurance? They said: We are fortunate. We had insurance. We even had a clause in there so we feel we are going to get a good recovery.

Well, it hasn't happened. So we can deal with this realistically and in a sensible and thoughtful way, the way Senator COCHRAN has outlined, and I think we will get through it. We will keep the jobs, build the ships, help the Navy, help the workers. And we won't lose money in the end. The disruption cost, if we don't do this, will be much greater than by going ahead and doing this right now.

I beg my colleagues, bear with us. I know you are beginning to say: How much is enough? I don't know in every instance, because we are still dealing with the magnitude of this disaster. But we are going to try to be honest with you. We are going to try to be thoughtful. I believe this language is crafted well. I am proud to be a part of the effort to defend the language that is in this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I want to raise a few points. First, I have great respect for the Senators from Mississippi and Louisiana. If they will note, my votes have reflected that, when we have sent money for both. The President did request \$2.5 billion, \$2.7 billion for this. But he also requested that we not do this specific thing, that we not do this. The Senator from Mississippi makes a point they have already collected \$125 million—actually they told us \$125 million, maybe it is more—from insurance. They did have a big loss.

We had a hurricane down there and everybody will agree, because of the hurricane, the ships are going to cost more, no matter what we do. They are going to cost more because they were delayed. We know that in defense contracting. Is it in Northrop Grumman's interest to recapitalize this shipyard? Yes. There is no question about it. Do they have a positive cashflow of \$2.6 billion this year? Yes. The reason we should not do this is because there will be no money coming from the insurance industry. Under the legal loss doctrine, we will obviate all those policies. So by doing this, it is true, any money that comes comes back to the Navy. I agree, that is in here. But the fact is, there will be no money coming back because they will have and utilize in their insurance contracts the legal loss doctrine. That doctrine will obviate any obligation, any liability these insurance companies have to do it. So

the question is, should our kids pay for it, our grandkids pay for it, or is it in Northrop Grumman's best interest to put the business interruption insurance, which is in litigation, to borrow that money or take it out of earnings from cashflow from operations right now and then collect the interest on it? Instead, we are going to send it on down the pike 30 years to be paid back, and \$125 or \$200 million will become \$300 million or \$1 billion after 30 years.

I would also read into the record part (a), section 2303, "Amounts appropriated or otherwise made available by this Act." Going on down, "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."

We do get all four of them, all four segments intentionally, because if we don't, then we pay. The insurance industry won't pay. Anything that isn't settled at the time this goes through will not be paid for by the insurance industry. So if you want to go out and make some money today, go buy Factory Mutual insurance. Because if this goes through and is a part of it, they made \$150 million today with this thing going through. They are not going to pay, and they are going to be upheld in a court of law.

This is an established doctrine of law. And if it is already paid for by the U.S. taxpayers' grandchildren, then Factory Mutual is not going to have to pay for it.

I understand the intent. I believe the Senators from Mississippi are doing what they think is right. I think this is just a step too far that doesn't have to be done to truly get going. There are 11,062 employees in Mississippi right now working for Northrop Grumman. They have employees in 38 States. They are a great company and a vital contractor. But I would make the case that the cost of ships has gone up because we had the hurricane. And it is noble to try to limit that increase. This won't limit the increase; this will just increase the cost to our grandchildren.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I rise to support the chairman's mark on this very important issue relative to the rebuilding of the gulf coast. Chairman COCHRAN has taken great responsibility to shape a supplemental bill that asks for what is absolutely crucial to the development of the gulf coast. I know that a few of our colleagues may take issue with one or more things that are in this bill. But overall, it is a genuine attempt to try to give direct and targeted help to the standing up of this very important area of the United States that has been hit, as we said, not by one hurricane but two hurri-

canes, two of the worst that have ever hit the continental United States since 1837, since hurricanes have been recorded, and by the extraordinary flooding that took place in a large metropolitan area, not just Orleans Parish, but Plaquemines Parish and St. Bernard Parish, the heart of America's energy coast and the heart of the economic region about which we are speaking.

Inside this region that has been devastated there are over 16,000 people employed in shipbuilding. We are proud of those shipyards at Ingalls, Gulfport, and Avondale. Fortunately, the Avondale shipyard, which is in New Orleans, did not sustain tremendous flooding because it was on the west bank of the city and, of course, the east bank is the part that flooded. We are very fortunate in that regard. There was still a tremendous amount of damage at Avondale.

As my friends from Mississippi said, their shipyard was just hammered. We are so grateful that Avondale stood up because we have been able to help keep the ships on schedule and get our people employed.

The Senator who is objecting, Mr. COBURN, has been so helpful in other ways. I know he wants to make sure we are not double-dipping. He keeps referring to the first paragraph of this amendment, but if you read the second paragraph of the chairman's mark, it is clear. It says: This may not be treated as collateral insurance coverage, so they cannot collect twice.

It is not the chairman's intention or my intention or Senator LOTT's intention for the company to collect twice. But advancing these payments to them in the way this has been drafted will help them get these yards back up and running, to get their construction done, and to get people hired again. It is very difficult.

We keep saying—and I know people are tired of hearing this—this was not a regular hurricane. It has destroyed so much that not only do employers, large and small, have to get their businesses back going, they have to go out and literally find their customers. Then they have to provide housing for their workers. Then they have to get electricity turned on for their workers, then they have to get running water turned on for their workers. It is more than our employers can bear, even the big ones such as Northrop Grumman.

We are not asking for a taxpayer bailout. We are not asking for double-dipping. The Navy knows what we are doing, and they are supportive. The Department of Defense is supportive.

I came to the floor to ask my colleagues to please support the chairman's marks on this to help our shipbuilding. We are not asking for double-dipping. When the insurance moneys come in, which I am sure they are entitled to do, this language allows the taxpayers to be repaid. So we get the benefit of getting our shipyards up and running, getting potentially 17,000-plus

people between Avondale and Ingalls back at work as quickly as we can. Even with this, it is going to be very difficult. Without it, it will be almost impossible.

So I ask my colleagues to please reject the Coburn amendment. I know the Senator means well, and he has been extremely helpful and sincere in many ways as he has attempted to help us, and we don't want to waste any money. But this language makes it clear, not just paragraph A that has been read, but by paragraph B, that it is not double-dipping.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). Is there further debate?

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to division IV of amendment No. 3641. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—48

Alexander	DeMint	Kyl
Bayh	DeWine	Levin
Biden	Dodd	Lieberman
Bingaman	Dorgan	Lugar
Boxer	Durbin	McCain
Bunning	Ensign	McConnell
Burns	Enzi	Nelson (NE)
Burr	Feingold	Obama
Byrd	Frist	Reed
Cantwell	Graham	Santorum
Carper	Grassley	Stabenow
Chafee	Gregg	Sununu
Coburn	Hagel	Thomas
Conrad	Hatch	Thune
Craig	Inhofe	Voivovich
Crapo	Kohl	Wyden

NAYS—51

Akaka	Harkin	Murray
Allard	Hutchison	Nelson (FL)
Allen	Inouye	Pryor
Baucus	Isakson	Reid
Bennett	Jeffords	Roberts
Bond	Johnson	Salazar
Brownback	Kennedy	Sarbanes
Chambliss	Kerry	Schumer
Clinton	Landrieu	Sessions
Cochran	Lautenberg	Shelby
Coleman	Leahy	Smith
Collins	Lincoln	Snowe
Cornyn	Lott	Specter
Dayton	Martinez	Stevens
Dole	Menendez	Talent
Domenici	Mikulski	Vitter
Feinstein	Murkowski	Warner

NOT VOTING—1

Rockefeller

Division IV of amendment No. 3641 was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. BUNNING. On rollcall vote No. 105, I voted "nay." It was my intention to vote "yea." Therefore, I ask unanimous consent I be permitted to change my vote since it will not change the outcome.

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

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

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I will take this opportunity to review for a moment that this is an anniversary date of some significance which I believe ought to be recognized. It is 3 years ago this week that President Bush stood on the deck of the USS *Lincoln* in front of a banner that declared that our mission in Iraq had been accomplished. He told our troops and all Americans that major combat operations in Iraq have ended 3 years ago this week. At the time, we had lost 139 people, 139 troops in Iraq. Today, we have lost more than 2,400 American troops there, and 2,258 have died since "Mission Accomplished" was pronounced. In other words, 95 percent of the United States fatalities in Iraq occurred after President Bush said major combat was over, and tens of thousands of young Americans have suffered injuries, including severe head injuries and lost limbs, that will change their lives and the lives of their families forever.

One need only visit Walter Reed Hospital and see what the ravages of war have done to so many. The only thing that was accomplished that day was a photo opportunity for the President's reelection campaign. When we look back at that publicity stunt on that aircraft carrier, we realize how wrong the President was. But that was hardly the only major conduct error in the judgment of this war.

Recently, a number of retired generals have come forward to say what many in the military have been thinking for years. These officers know that our men and women in uniform have been let down by the miscalculations and the incompetence of the Bush administration. The troops on the battlefield pay with their lives, but nobody in the administration has been held accountable.

The generals say we can't move forward without accountability. They say that the Secretary of Defense must go. The generals are right. Secretary Rumsfeld has made too many mistakes to stay in that job. As the old expression says, when you are in a hole, stop digging.

Let's recount the miscalculations of the Secretary of Defense. Before the war, he said, "We know where the weapons of mass destruction are. They are in the area around Tikrit and Baghdad, and east, west, south and north, somewhat."

But now we know there was no solid evidence before the war that Iraq had any WMDs. None were found when the

United States invaded the country in March, and none have been found since. That was over 3 years ago.

Secretary Rumsfeld also said that the Iraqis would welcome U.S. troops and that the Iraqi resistance would be limited. Obviously way off. Not only did Secretary Rumsfeld fail to build coalitions with our allies, he flip-pantly, arrogantly dismissed them as "old Europe," alienating these allies when he should have been reaching out to them. The result of a failure to build a real coalition is that our troops are bearing the risks and suffering the casualties.

There were other serious miscalculations. Secretary Rumsfeld said the war would be short. On February 7, 2003, he said:

The war could last 6 days, 6 weeks, I doubt 6 months.

Secretary Rumsfeld also rejected calls for a larger number of troops. He even pushed out GEN Eric Shinseki, the Army Chief of Staff, when General Shinseki, a distinguished leader, a military leader, suggested that postwar Iraq would require many more forces than the 100,000 troops we had on the ground. As I remember, he said over 300,000.

Secretary Rumsfeld was also way off on the cost of the war. He said it would cost at least \$10 billion but no more than \$100 billion. We now see the actual costs coming close to \$500 billion.

Despite all of the funds devoted to the war, Secretary Rumsfeld has failed to equip our troops properly. After more than 3 years, thousands of Army and Marine Corps personnel still do not have adequate body armor or sufficient armor for their humvees. When I was there over 3 years ago, I heard the plea then from soldiers from New Jersey: Give us the flak vest, Senator, that you are wearing, the latest technology. They will protect us. Please let us have that.

We know what happened with the humvees and the resulting serious injuries because of inadequate armor for the humvees.

In December 2004, in a meeting with U.S. troops in Kuwait, some soldiers raised these concerns with Secretary Rumsfeld. His response was offensive; humiliating for our troops who are serving there. He said, "As you know, you go to war with the Army you have, not the Army you might want or wish to have at a later time."

I don't know what was meant by that statement but it certainly is a slur in many ways.

I must say that what I find incredibly offensive is this administration still will not allow photographs of flag-draped coffins when they return to our shore and come into Dover, DE, which is the repository for the remains. It is such an honor to recognize the sacrifice made by having a flag draped over the coffin. Yet that honor of our fallen troops is shielded from the American people by the order of the President of the United States.

It doesn't make sense to me, and I know it doesn't make sense to those families.

It isn't just civilians upset by these events. We have now heard eight retired generals call for Secretary Rumsfeld's resignation, citing gross mismanagement and profound errors in judgment.

Retired Army MG Paul Eaton, in charge of training the Iraqi military from 2003 to 2004, recently wrote in the *New York Times* that Rumsfeld "has shown himself incompetent strategically, operationally and tactically . . . Mr. Rumsfeld must step down."

Retired Marine GEN Anthony Zinni, an outstanding leader, former head of the U.S. Central Command, which includes the Middle East, last month called for Mr. Rumsfeld to resign.

Other military leaders who have called for Secretary Rumsfeld to go include retired Marine LTG Gregory Newbold; retired Army MG John Riggs; retired Marine GEN Paul Van Riper; retired Army MG John Batiste; retired Army MG Charles Swannack, former Commander of the 82nd Airborne in Iraq; and retired U.S. Army GEN Wesley Clark.

In addition, we are now seeing people of lower ranks who are upset with the way that campaign has gone and are expressing their dissatisfaction.

We see also a phenomenon we haven't seen before; that is, people filling out their obligatory term at the Academy and a third of whom do not stay on. They finish their obligatory terms of 5 years and they are gone. It is a serious problem in many ways. Morally, I think it is a serious problem, but also functionally we don't have the personnel supporting the war in the way we had hoped. Whole branches of services over there are as courageous as can be. It is very dangerous territory, and they serve bravely. We owe them a debt of gratitude.

The fact is the Bush administration has made serious mistakes in prosecuting the war in Iraq, and our soldiers have paid the price. Our troops deserve better.

On the third anniversary of President Bush's "Mission Accomplished" fiasco, I hope that the President finds the strength to make real changes. And those changes need to start at the top.

I urge the President to be more specific about what our assignment is. He has already said it will be up to another President to take care of what continues there. Unfortunately, we have to believe that.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Florida.

**Mr. MARTINEZ.** Mr. President, I ask unanimous consent to speak as if in morning business for 5 to 10 minutes.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

#### WAR IN IRAQ

**Mr. MARTINEZ.** Mr. President, war is difficult. War is not pretty. Sometimes war, unfortunately, leads to death and injury.

Our country has been blessed over our history. There have been men and women who believe enough in our system, who believe enough in the system of democracy that we are so fortunate and blessed to have, who are willing to give their lives so this system may endure, so this system may continue, so that our country can continue to be free.

I believe, as we look at a difficult situation in Iraq, the last thing we need is a policy of defeatism, is a policy that looks to ways in which we can criticize and critique without offering an alternative path and without offering an alternative solution.

The fact is there was a worldwide failure of intelligence in the days leading up to the war in Iraq, but the fact also is that we are there today and that thousands of Americans—the best and the brightest, those we are the proudest of—are there serving this Nation with distinction, with valor, and I daresay with great success. Our hope for them must be that they complete their mission and come home; that they can come home with their heads held high for a job well done.

I also believe that the civilian concept of leadership of our military is well ingrained in our system. I had the high and distinct honor and privilege of serving in the Cabinet of this President with Secretary Rumsfeld. Secretary Rumsfeld is a man of great distinction. He is also someone who has tackled the very difficult job of transforming our Armed Forces. He has taken on the very difficult job of moving forward into a post-cold war sort of world with an Armed Forces that is very different than the one we have had. Any time a large bureaucracy undergoes change, there is difficulty with that change. And sometimes there are different opinions about how that change takes place. And there is no doubt that there are people who have had different ideas about how to approach, whether it is a war effort, whether it is a reorganization of our Armed Forces from those of Secretary Rumsfeld, but to those who have had those kind of difficult ideas I would say that we elect only one President at a time, and that President has only one Secretary of Defense at a time. That is why we have a chain of command because someone has to lead and someone has to make decisions.

I believe our country, at a time when we were unfairly and unwantonly attacked by terrorists, has been fortunate to have a President at hand who has had the good fortune to have dedicated people such as Secretary Rumsfeld at the helm to serve at his side.

This is a President who did not seek a war with terrorists but who had a war brought to us in the streets of New York, with over 3,000 American casualties on a given day. And the fact is that this President was also confronted with the need to act on this global war on terror.

I can remember when in the mountains of Afghanistan there seemed to

be a stalemate after about a month or 2 of our initial conflict there, and the naysayers were saying we had not sent enough troops. All of a sudden, a tremendous breakthrough in modern warfare took place as we saw our special forces operating on the backs of horses with laptop computers directing fire, and a whole new era of warfare evolved. But we liberated the people of Afghanistan, who since then have had elections, where women and children of all sexes can now go to school, where women can now walk the streets without fear, where children can go to school, whether they be little boys or little girls. They have had that unique opportunity in the world which we take for granted in our country.

But for those of us who were born in other places, we understand the uniqueness of voting and have had the right and opportunity to elect leaders.

More recently, 11 million Iraqis voted in the third election in 1 year, followed by the formation after some politicking and some good, old-fashioned Democratic horse trading, have formed a government.

The moment today ought to be to highlight the hope of a new Iraq, the hope of a democracy in the Middle East, which is so unique to that region of the world, the fact that a new government has been formed—not to try to recount all of the potential for different moves at any given point.

All warfare is riddled with difficulties and second-guessing. But here we have a moment of hope and opportunity. Defeatism is not a policy. It is only a prescription for failure.

I am hopeful that as we go forward, we recognize the successes of the Iraqi people and the difficult task of forming a democracy; that we relish in the accomplishments; that we understand it is an incomplete project in democracy but one moving in the right direction.

I, for one, thank all of those who are serving in these difficult circumstances over there and their families for the sacrifices they are making so that we might be successful, so that we might find a way forward that is better than defeat and is better than negativism and that is better than second-guessing.

#### AMENDMENT NO. 3727

**Mr. LOTT.** Mr. President, I call up amendment No. 3727.

**THE PRESIDING OFFICER.** Is there objection to setting aside the pending amendment? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for himself and Mr. DODD, proposes an amendment numbered 3727.

**Mr. LOTT.** Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for the Election Assistance Commission to make discretionary payments to States affected by Hurricane Katrina and other hurricanes during the 2005 season)

On page 203, strike line 8 and insert the following:

INDEPENDENT AGENCIES  
ELECTION ASSISTANCE COMMISSION  
ELECTION ASSISTANCE

For purposes of making discretionary payments to States affected by Hurricane Katrina and other hurricanes during the 2005 season to restore and replace supplies, materials, records, equipment, and technology used in the administration of Federal elections and to ensure the full participation of individuals displaced by such hurricanes, \$30,000,000: *Provided*, That any such funds shall be used in a manner that is consistent with title III of the Help America Vote Act of 2002: *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.

Mr. LOTT. Mr. President, I understand that this amendment has been cleared on both sides. I am pleased to join Senator DODD, who is a cosponsor of this amendment.

Speaking of elections in Iraq, we also hope to have effective and fair and open elections in America.

In the Katrina area, we had significant damage to polling places and to voting machines. We lost all of them in many areas—in New Orleans, South Louisiana, and Mississippi.

This amendment would provide \$30 million, through the Federal Elections Commission, for replacement of those losses.

I have checked on both sides of the aisle. I find no objection. I know that our managers have cleared it.

I, therefore, urge my colleagues to accept it. The amendment is certainly very worthwhile. It is needed, and it is needed right away in order to prepare for elections this fall.

I yield the floor so my colleague, Senator DODD, can further elucidate.

Mr. DODD. Mr. President, I thank my colleague, and I thank the chairman and ranking member for their acceptance of this amendment.

I point out to my colleagues that I was looking over some of the data involving the need for this appropriation.

In Louisiana, four of the most heavily impacted parishes, not counting New Orleans, a total of 60 polling places the hurricane simply swept away. These parishes lack basic services, such as electricity, generators, rest rooms, lights, and the like, creating some serious problems. We were told that FEMA would not allow for an allocation of funds in this kind of a situation—even Federal elections. It does not meet the test of assistance under the Stafford Act.

We point out to our colleagues that New York City officials were in the process of holding a primary election on September 11 when they were interrupted by the terrorist attack. FEMA in that case allowed \$8 million for the

city of New York to allow for the election process to go forward.

There are other precedents, indeed, which fall under the emergency category.

Elections are a number of weeks away, and certainly providing assistance for the most basic of all of our functioning as citizens, to make sure that every person in these Gulf State areas is able to cast a vote and have their vote count is something we all embrace.

We appreciate the managers of this amendment allowing this kind of additional appropriation on this bill.

Over 8 months ago, the lives of many Americans living in the Gulf Coast region of the United States were subject to the devastating natural disasters of Hurricanes Katrina and Rita.

Today, those impacted by the hurricanes face many of the same problems faced immediately after the storms—no homes, no jobs, no community infrastructure, and no guarantee that their lives will return to normal any time soon.

And in this election year, many of these same individuals now also face the potential that their communities will be unable to guarantee that they will be able to cast a vote and have that vote counted in the mid-term federal elections. This is simply unacceptable in America.

There are still areas of the Gulf Coast that are without basic services, such as electricity, and many areas that are still mucking out homes and demolishing buildings.

The hope and desire to rebuild their communities and restore some sense of normalcy is alive and well in the Gulf Coast. But these communities need help. And that is clearly the case when it comes to federal elections.

In Louisiana, four of the most heavily impacted parishes—not counting New Orleans—must recreate a total of 60 polling places. The hurricanes simply swept them away or destroyed them beyond use.

These parishes lack basic services such as electricity, generators, restrooms, or lights which are necessary to hold an election.

But FEMA is taking the position that the conduct of elections—even federal elections—does not meet the test for assistance under the Stafford Act.

That is a curious position for FEMA to take since that agency did provide election assistance to both New York City, following 9–11, and to Miami-Dade County, Florida, following Hurricane Andrew in 1992.

In the case of Miami-Dade—which faced a very similar situation to what the Gulf Coast faces today—FEMA provided temporary polling places, water, generators, lights, fans and portable restroom facilities on election day. FEMA also provided trailers for absentee voting in the September primary.

More importantly, FEMA even reimbursed Miami-Dade for the costs of holding the election that were over and above the normal costs of the election.

In New York City, officials were in the process of holding primary elections on September 11 when they were interrupted by the terrorist attack. Elections were rescheduled two weeks later, and FEMA reimbursed the state roughly \$8 million for the costs involved in cancelling and rescheduling the primary election.

The Katrina impacted States are not asking for anything that has not been provided by FEMA before for the conduct of elections following a natural disaster.

And yet, when these States have requested assistance to conduct elections—including federal elections—following what has been described as the most devastating hurricane season to ever hit the region, FEMA has balked.

The federal Election Assistance Commission, established in 2002 under the Help America Vote Act, has attempted to work with impacted states in order to help identify both the requirements for ensuring accurate and accessible federal elections and potential sources of assistance for these communities.

To date, FEMA has come up largely emptyhanded. So far, FEMA has been willing to only reimburse states for the uninsured loss of certain polling equipment, machines, supplies and storage facilities. In the case of Louisiana, that has amounted to just over \$1 million.

But Louisiana officials estimate that the state will face costs of up to \$18 million this year to hold elections—well in excess of what FEMA has been willing to certify to date. Similarly, Mississippi officials anticipate unreimbursed expenses for holding elections to total \$7.8 million while Alabama faces nearly \$3 million in unreimbursed costs.

And there is little reason to expect FEMA to offer more assistance. In a letter addressed to Paul DeGregorio, Chairman of the Election Assistance Commission, dated March 9 of this year, FEMA advises the EAC that—and I quote from the letter:

FEMA does not have the authority to pay for operating costs related to the conduct of elections.

Well if FEMA does not, then who does?

I would suggest to my colleagues that the Election Assistance Commission not only has the expertise to accurately access the requirements and costs of holding federal elections, but they are in a better position to do so.

Consequently, the amendment my distinguished colleague, Senator LOTT, the Chairman of the Rules Committee, and I are offering today.

It is a very modest and targeted amendment. It provides \$30 million to the Election Assistance Commission to provide grants to eligible states impacted by these natural disasters to restore and replace supplies, materials, records, equipment and technology used in the administration of federal elections and to ensure the full participation of individuals displaced by the 2005 hurricanes.

This amendment is supported by a broad bipartisan coalition of voting rights activists and election officials, headed by the Leadership Conference on Civil Rights and the National Association of Secretaries of States. Joining in support of the amendment is the National Association of Counties, the National Association of Election Officials, the National Association of State Election Directors, and the National Conference of State Legislatures.

I ask unanimous consent that this letter be included in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit I.)

Mr. DODD. Mr. President, these funds will enable the states to establish temporary polling places, secure generators for running the electronic voting machines, provide basic sanitation services for poll workers and voters, such as water and portable restroom facilities.

Congress has taken great efforts to address the immediate needs of those affected by the hurricanes. Now Congress must take additional steps to assist the long-term needs of these communities as they rebuild and move forward.

Ensuring the integrity of federal elections in these states by guaranteeing that the people of the Gulf Coast have access to a polling place is the very least this Congress can do.

Senator LOTT and I first brought these anticipated needs to the attention of the Senate last October. At that time we noted the loss of polling places, election equipment, and election records in the impacted states. While we did not have reliable cost estimates at that time, we served notice that as the committee of jurisdiction over federal elections, we would come back to the Senate as the full extent of the damage and its potential impact on the 2006 federal elections became clear.

Well, by last December it had become clear that the states could not reconstruct the infrastructure to conduct federal elections without assistance.

And so in December Chairman LOTT and I introduced the "Hurricane Election Relief Act of 2005." This bill authorizes the necessary funding to aid impacted states in the conduct of federal elections this year, consistent with the Help America Vote Act—HAVA.

Specifically, it provides federal funding to impacted states to restore and replace supplies, materials, records, equipment and technology that were damaged, destroyed, or dislocated as result of the storms. The bill directs the Election Assistance Commission to determine need and disburse grants to eligible states.

The Senate passed this measure by unanimous consent on February 9. A House companion bill, H.R. 4140, "Ensuring Ballot Access for Hurricanes Katrina and Rita Victims Act of 2005," was introduced by Representative MILLENDER-MCDONALD.

It is imperative that Congress ensure that affected states have the resources necessary to conduct federal elections this year in a fair and accurate manner. It is equally imperative that all eligible voters affected by these natural disasters have an opportunity to participate in their democracy.

Being displaced by a hurricane should not result in being disenfranchised from a federal election.

Each affected state will have its own challenges. For example, according to the Secretary of State in Louisiana, over 400,000 registered voters are dispersed in 49 states.

While fewer voters were displaced in Mississippi, the election infrastructure was completely destroyed or severely damaged by winds and surges, according to the Secretary of State of Mississippi.

In Alabama, the Secretary of State has indicated that their allocated election costs were spent not on conducting elections, but removing debris and repairing election infrastructure following the hurricanes.

Other states have been impacted, to a lesser extent, by the influx of temporary residents displaced by the hurricanes. In many of those states, displaced citizens may have decided not to return home but to become residents of the host state, thereby adding to the election administration responsibilities of those jurisdictions.

The amendment we are offering today will ensure that these unforeseen needs are met and that the federal elections required this year are accessible, accurate, and transparent.

Regardless of the funding needs of the impacted states, one thing is clear. They are similarly situated with all other states conducting 2006 federal elections. They have a solemn duty to protect and preserve the constitutionally guaranteed right of each eligible voter to cast a vote and have that vote counted.

The impacted states are prepared to work hard to secure the rights of our nation's voters and they will conduct these elections with whatever resources are available to them. But the access to the ballot box should not depend upon whether or not a state has recovered from an unprecedented series of natural disasters.

And voters are ready to work hard and participate in the governance and rebuilding of their communities, no matter what the damage inflicted on them by nature. But their ability to participate in our democracy through the ballot box should not depend upon whether their community has been successfully rebuilt.

It is essential that we join together to ensure that all states impacted by these natural disasters have the resources to conduct timely federal elections that fully enfranchise all eligible voters.

This is literally our last opportunity to provide these funds in time to make a difference. It would be irresponsible

not to ensure that these states have sufficient resources to conduct federal elections this year. The health of our democracy depends upon it.

I urge my colleagues to support this amendment.

#### EXHIBIT I

MAKE ELECTION REFORM A REALITY  
SUPPORT GULF COAST STATES IN THEIR EXTRAORDINARY EFFORTS TO ADMINISTER ELECTIONS AFTER KATRINA

APRIL 24, 2006.

DEAR SENATORS: We, the undersigned organizations, urge you assist Louisiana, Mississippi and Alabama in their efforts to hold meaningful elections in the aftermath of Hurricane Katrina. We are asking for \$50 million in the upcoming Emergency Supplemental Appropriations legislation for those states in their efforts to administer transparent and accountable elections.

It is imperative that the citizens of the Gulf Coast region are provided with the opportunity to participate in the critical and difficult decision making that each of these states face in the foreseeable future. Every election presents states with challenges, but never before has there been such great potential for disenfranchisement than in the elections the Gulf Coast states are facing this year.

Voters have been displaced, voting equipment has been destroyed or severely damaged and polling places have been leveled. The outcome of the devastation is that county budgets which were strained before the hurricane have now been depleted dealing with issues like debris removal and infrastructure rebuilding. Many of the businesses have shut down, thereby reducing or eliminating a tax base for those counties. The funding is just not available at the state and local level to rebuild the elections infrastructure.

Time is of the essence. Starting this month and running through the summer, all of these states have primary elections for local and federal offices.

The officials and residents of the Gulf Coast states are extremely grateful for the support from all levels of government and from the many Americans who have been devoted to helping them rebuild and move forward. We look forward to working with you on this critical issue. Should you have any questions, please contact Leslie Reynolds of the National Association of Secretaries of State at (202) 624-3525 or Val Frias of the Leadership Conference on Civil Rights at (202) 263-2852, or any of the individual organizations listed below.

Sincerely,  
Leadership Conference on Civil Rights,  
National Association of Counties,  
National Association of Election Officials,  
National Association of Secretaries of State,

National Association of State Election Directors,

National Conference of State Legislatures.

Mr. DODD. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3727) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 3641, DIVISION V, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may call up Coburn amendment No. 3641, Division V, and I ask unanimous consent for its withdrawal.

The PRESIDING OFFICER. Is there objection? Without objection, Division V is withdrawn.

AMENDMENT NO. 3641, DIVISION VI, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent that Division VI of amendment No. 3641 be called up.

The PRESIDING OFFICER. The amendment is now pending.

Mr. COBURN. Mr. President, I have every intention of withdrawing this amendment. But I wish to mention for a moment that this is an amendment that would have removed \$20 million from the National Marine Fisheries Service to study catch, bycatch, shrimp and relief and fishery profitability in the Gulf—the study of profitability. We are going to spend \$20 million to study profitability.

The Louisiana Seafood and Marketing Board considers this to be unnecessary spending and a low priority.

That is what the people who market the seafood from Louisiana said about this amendment.

I am not going to put us through a vote on it, but I think we ought to pay attention to the people down there who are now saying they don't need \$20 million for marketing and studying. They believe it is a waste of money. When the people of Louisiana are telling us it is wasted money, it is certainly wasted money.

I ask unanimous consent it be withdrawn.

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

AMENDMENT NO. 3641, DIVISION VII, WITHDRAWN

Mr. COBURN. Mr. President, I call up amendment No. 3641, Division VII.

The PRESIDING OFFICER. The division is pending.

Mr. COBURN. Mr. President, I don't intend to ask for a vote on this amendment and may, in fact, withdraw it, but I think it is something that the American people should know. This is about AmeriCorps, the National Civilian Community Corps.

There are three things we ought to know. The idea behind this is fine. They have done a great deal of work on the gulf coast. However, there are some real problems with this program. The House also has significant problems with this program.

Here is the key point: It has never had a comprehensive evaluation in 13 years to see if it accomplishes anything of importance. Compared to all the other AmeriCorps service programs, this one is about 50 percent more costly per person. This one costs \$28,000 per volunteer for 10 months. That annualized out to \$34,000 per person per year.

No. 3, no one is measuring any performance. There are no set goals. No one is saying what they are intended to accomplish? How do we measure that? Could we do it cheaper? Can we do it a better way? None of that has been evaluated on this program.

People will oppose this. I have no lack of reality in knowing we do not have an opportunity to eliminate this money. However, contrast what actually happened on the gulf coast with this AmeriCorps. We had people from all over this country go down and help. We didn't pay them a penny. We did not pay them a \$35,000 annualized salary. We had college students from all across this country spend their spring breaks, their Christmas breaks, their Thanksgiving breaks on the gulf coast volunteering. We had churches, civic organizations, local charities, we did not pay them a penny. They all came because there was a need.

There is something very wrong behind the idea that we have to pay people to be volunteers. As a matter of fact, it is an oxymoron. You cannot have a paid volunteer because they are not volunteering if they are getting paid. The motivation and commitment shown by true volunteers is unmatched by any congressional appropriation. The Nation is answering the call to be Good Samaritans and treat others the way they want to be treated.

This program was started in 1993 with good goals, and the purpose was to create leadership. We may have done that, but the fact that we do not know if we have done that, the fact that we keep throwing this money—which does not go to the individual volunteers; \$4,000 does, but it costs too much to operate.

I will ask unanimous consent for withdrawing of this division, but we certainly ought to have some oversight. I intend to have an oversight hearing in the Committee on Federal Financial Oversight.

I ask unanimous consent to withdraw the division.

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

The Senator from Louisiana.

AMENDMENT NO. 3627, AS MODIFIED

Mr. VITTER. Mr. President, I rise to ask unanimous consent amendment No. 3627 be called up. Also, I request unanimous consent it be modified according to the modification I am sending to the desk.

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

The amendment will be so modified.

The amendment (No. 3627), as modified, is as follows:

On page 253, between lines 19 and 20, insert the following:

SMALL BUSINESS RELIEF FROM HURRICANE KATRINA AND HURRICANE RITA

SEC. 7032. (a) Section 3(p)(1) of the Small Business Act (15 U.S.C. 632(p)(1)) is amended—

(1) in subparagraph (D), by striking “or”;

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

(3) by adding at the end the following:

“(F) an area in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane Katrina of August 2005 or Hurricane Rita of September 2005.”

(b) Section 711(d) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking “The Program” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), the Program”; and

(2) by adding at the end the following:

“(2) EXCEPTION.—The Program shall not apply to any contract related to relief or reconstruction from Hurricane Katrina of 2005 or Hurricane Rita of 2005.”

(c) The amendments made by subsections (a) and (b) shall be effective for the period beginning on the date of enactment of the Act and ending on October 1, 2008.

Mr. VITTER. Mr. President, this amendment is a very important hub zone small business amendment. It has been cleared on both sides of the aisle and with all the relevant committee chairs and ranking members. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 3627), as modified, was agreed to.

Mr. VITTER. I yield the floor.

AMENDMENT NO. 3704

Mr. THUNE. Mr. President, is there a pending amendment?

The PRESIDING OFFICER. There are pending amendments.

Mr. THUNE. Mr. President, I call up my amendment numbered 3704.

Mrs. MURRAY. Reserving the right to object, I don't believe we have seen this amendment. If the Senator would share the amendment with us quickly, we can take a quick look at it.

Mr. President, we have no objection.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 3704.

Mr. THUNE. Mr. President, 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, \$20,000,000 for the Department of Veterans Affairs for Medical Facilities)

On page 253, between lines 19 and 20, insert the following:

MEDICAL FACILITIES, DEPARTMENT OF VETERANS AFFAIRS

SEC. 7032. (a) AVAILABILITY OF AMOUNT.—There is appropriated for the Department of Veterans Affairs for the Veterans Health Administration for Medical Facilities, \$20,000,000, with the entire amount designated as an emergency requirement pursuant to section 402 of H. Con. Res 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(b) OFFSET.—The amount appropriated by chapter 7 of title II of this Act under the

heading "NATIONAL AND COMMUNITY SERVICE PROGRAMS, OPERATING EXPENSES" is hereby reduced by \$20,000,000.

Mr. THUNE. Mr. President, I ask unanimous consent to yield myself 5 minutes to speak to the amendment.

The PRESIDING OFFICER. The Senator is recognized.

Mr. THUNE. I rise to offer an amendment on behalf of America's veterans. My amendment provides an additional \$20 million for veterans health care, offset by striking \$20 million appropriated under this supplemental for the AmeriCorps Program.

Among other things, my amendment provides more funding for the implementation of the provisions of the 2004 CARES Act, or capital asset realignment for enhanced services decision, submitted by the Secretary of Veterans Affairs for enhanced VA service, as well as other actions designed to help the VA provide better and more accessible care to our Nation's veterans.

As we seek to restrain spending, we must carefully scrutinize our priorities. Our veterans must take priority over programs and some of the other priorities we are trying to address in the budget. My amendment does this with AmeriCorps. We must do everything we can in a fiscally responsible way to ensure our veterans receive the health care they require.

While we provide a generous funding of over \$30 billion for VA health care for the current fiscal year, there is still room for improvement, if we can do so in a way that does not force us to spend beyond our means.

This is particularly true as we take care of those veterans who have returned from Iraq and Afghanistan. Finally, this amendment is particularly important for veterans living in rural and geographically isolated areas. For example, the VA's Midwest health care network, which serves South Dakota, is the most rural and covers the largest geographic region of any veterans integrated service network in the Nation. It is therefore one of my highest priorities to ensure that veterans living in rural areas continue to see growth in the VA's ability to reach out to our rural veterans and provide adequate care for them.

For these reasons, I strongly urge my colleagues to support this amendment.

I simply say, as a member of the Committee on Veterans' Affairs, one of the debates we often have at the committee level is how, on a consistent basis, we have to borrow from the medical facilities account to fund ongoing operations, to fund veterans health care.

What this amendment simply does is, in an offset way, in a paid-for way, force us to make choices. Obviously, the budget process is always about choices, about where we are going to invest, where we are going to put our limited resources. In this era of budgetary constraint, it is important we make choices that are consistent with the priorities I believe we ought to be

addressing in this country, one of which is the importance of our veterans, in making sure we are putting the appropriate funding levels in place not only to provide health care for our veterans but to make sure those facilities out there that are in need of improvement, that are in need of additional dollars for construction or rehabilitation or whatever the case may be, that there are dollars in place that would enable us to meet that very important need.

Again, I ask my colleagues to support this amendment. I believe it does reflect a priority that is important to Members of the Senate, certainly a priority that is important to members of the Committee on Veterans' Affairs, and done in a way that is offset, that is paid for, and more accurately reflects on what we ought to be spending tax dollars.

With that, I ask unanimous consent my amendment be laid aside, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I wish I would have thought of that amendment. It is a great amendment.

The Senator from South Dakota makes the point, we have to make decisions about priorities. When we have an unproven volunteer program that is more expensive than any other volunteer program, and we are putting an extra \$20 million on the basis of emergency versus fulfilling the obligations to those people who have made the ultimate sacrifice and paid the price and served this country and put their lives in danger doing so, it is a no-brainer that we ought to be spending the money on the veterans rather than a program that has not proven to be effective, not proven to match a performance goal, and not proven even to be measuring itself in the 13 years of its existence.

I support the Senator's amendment.

AMENDMENT NO. 3641, DIVISION VIII, WITHDRAWN

With that, I ask the pending amendment be laid aside and amendment No. 3641, division VIII, be called up.

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

Mr. COBURN. Mr. President, I do not intend on asking for a vote on this amendment, but I highlight this amendment because of the problems implicit in this request.

In this supplemental is a request for \$230 million, an earmark, for three additional Osprey V-22 airplanes. The Pentagon, in 2005, formally approved full rate production of the V-22: 360 for the Marine Corps, 48 for the Navy, and 50 for the Air Force. The Pentagon has ordered 90 as of today.

This plane is not yet proven, one, and I will not go into the debate on that. It cannot even have full testing and cannot be used in the battlefield.

The point is, there is no emergency need to order these planes. This plane is manufactured in Texas and Pennsylvania. The Pentagon did not request

this. The President did not request it. What we have is people requesting it.

We have a plane that has not met performance tests yet, has not been battle proven, and we are adding three airplanes for which some would raise a good question as to whether it ought to be done in this way. It ought to be done through an authorization and through the regular process.

I know this is in the mark. I am not sure the chairman is supportive of it, and I will not ask for the vote, but I don't think this is the way we ought to buy airplanes, especially when it is not an emergency.

There are numerous problems. Most of them have been corrected, but there still have been numerous problems. This is the problem with earmarks. We are adding something that is not authorized, a plane that has had tremendous developmental difficulties, that the Pentagon does not want, the President does not want, yet we want. Why do we want it? Because, for some reason, we end up either employing more people on something that may not eventually work to the military's satisfaction or we get benefits from it in terms of political expediency.

I believe it is the wrong way to go. I ask unanimous consent to withdraw the amendment.

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

AMENDMENT NO. 3641, DIVISION IX, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that we proceed to the consideration of amendment No. 3641, division IX.

The PRESIDING OFFICER. Without objection, the division is pending.

Mr. COBURN. Mr. President, I ask unanimous consent that this division be withdrawn.

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

AMENDMENT NO. 3641, DIVISION X, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent that division X be withdrawn.

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

AMENDMENT NO. 3641, DIVISION XI

Mr. COBURN. Mr. President, I ask unanimous consent to call up division XI.

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

Mr. COBURN. Mr. President, I find myself bringing an amendment again against two of my friends who have a significant stake. They are both from Mississippi. They have looked at this issue a great deal.

What I want to do is raise the issues with a debate on the amendment, and then possibly talk about solutions.

During Katrina, the Armed Forces Retirement Home in Gulfport, MS, was damaged. The first floor was damaged significantly. It required and necessitated us moving those veterans to other retirement homes.

We need to remedy that. There are lots of options on the table. I talked

with the chairman of the Appropriations Committee, and there are a lot of good ideas coming out on how to solve that problem.

The problem I have is, we allocated \$45 million for this in the last year, and \$44 million of it remains in the bank and has not been spent. This bill has \$176 million, but it does not tell us what we are going to do with it. It just has \$176 million.

So that brings us to a quarter of a billion dollars on this retirement home that houses 600 of our best, who have proven they have been our best through their service to our country.

Now, if you divide this out, you come to almost \$400,000 per room, if we created a new style. And the plans, the proposals are all in the \$480 million and \$490 million range that have been offered on the different options.

Congressman GENE TAYLOR from Mississippi, in the debate on this issue, says we can fully restore this facility to what it was beforehand for \$80 to \$90 million. That is what the estimates are. Private industry estimates for a brand-new naval home facility are that it could be built to the desired standards—that means up to date for Americans with disabilities; up to date on size, doors; up to date on the ability to handle people with advanced aging and disease and long-term consequences—for \$125 million to \$150 million.

So the question I raise with this amendment is not whether we should do it. It is: We have \$221 million, after this bill goes through, that is going to be for that, and we are not through, and there is nothing in the report language that would direct us on how we are going to make a decision on spending this money and what it is going to go for.

I will agree with the goal of the chairman that we ought to replace this facility, and those people involved in that area ought to have a lot to say about it. My concern is the cost. If you really take the \$589.54 million, which is option No. 1 that is coming out for this, and the estimate that it will take 13 years to get us back to where we were, that is \$1 million a room.

I want to contrast that with what we can do for \$1 million. If you look at the average price of a new home in Mississippi for a single person to live in, it is less than \$80,000 a year. We could buy every veteran who lives in that home a brand-new home and provide nursing care for 10 years—for 10 years—for what is being proposed in replacing this.

So my real question is, what is the plan? Where is the commonsense oversight? How much are we going to spend? And before we send more money in an emergency appropriations, we ought to know what that is, and that ought to be decided before we spend more money, especially since \$44 million that has been appropriated has not been spent.

All I am saying is that we should consider that. I would hope we would

wait to send additional supplemental money for this until we know exactly where it is going to go or specify exactly where it is going to go.

We do know that to be considered an emergency we need to meet the requirements. I believe we need to meet the requirements for our veterans, especially in this home because we have some of them in Washington, DC, and we have them living all across the country. But the fact is, we don't know where the money is going to go. We don't know how much money we are going to spend. We don't have a plan. Nothing is agreed to. Why not go through the regular process with this? Why not go through the authorization and appropriation process on this since we have not spent the money already and we don't know how this money is going to be spent?

So it is a simple, straightforward question: Wouldn't it make more sense to do it under the regular order since this is definitely not an emergency now? Under their five different plans they have offered up, this would not be an emergency.

I would ask the consideration of the chairman if we could do it in a better, more efficient way that is better for the taxpayer; if, in fact, we could withdraw this money at this time and bring it back through the regular order to accomplish that?

With that, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 3713

Mr. BURR. Mr. President, I ask unanimous consent to set the pending amendment aside and call up amendment No. 3713.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is pending.

Mr. BURR. Mr. President, I will be brief because I know we are in debate on another amendment.

Avian flu is the concern of not just this Congress but of this country and the rest of the world. As it has spread by migratory birds—and in some instances around the world—it has infected humans. It is the responsible thing on the part of this country to prepare for that.

Part of preparation is not only being prepared for the human side, it is being prepared to track its entry and possible migration through the United States. Today we have devoted, with the leadership of the chairman of the Appropriations Committee, moneys to the Fish and Wildlife Service to successfully do that, and we do it between Russia and Alaska. Unfortunately,

there is a lot of geography in North America that goes uncovered and has routes for migratory birds.

My amendment is simple. We would like to reprogram \$5 million of surveillance money that is in this emergency spending bill to the Smithsonian, directed to work with all of their nonprofit affiliates to set up a migratory bird surveillance program. This Congress has committed a tremendous amount of dollars to be prepared and to respond if bird flu becomes a human-to-human transmission. If we look around the world at successes, one would look at Taiwan and Japan specifically, where their migratory birds surveillance program detected, contained, and eliminated on their islands the infection. That is not to say that they are home free, but they certainly have a track record of eliminating the threat, even before it hit in total their domestic population of poultry.

We are concerned about the human-to-human transmission. With that concern has come a tremendous amount of resources from the Federal Government. It deserves us spending as much time focused on the economic impact before human-to-human transmission. I think it is safe to say that a majority of this country can be affected with our poultry flocks, and we have an opportunity, with a successful surveillance program, to make sure that we do what Japan and Taiwan did, and that is detect its entry, try to contain it, try to eliminate it when it first enters.

I am not sure that we have an entity that has a track record of doing what we are asking the Smithsonian. In the past, the Appropriations Committee has devoted some funds to some entities that suggested they could do it. The reality is they are not doing it today. This effort is to take an agency, a Federal arm, and to try to extend to them the resources to do what they say they can do and that is a successful migratory bird surveillance program.

I ask my colleagues to support the amendment. Without it, we have no hope of a surveillance program for migratory birds, with the exception of what we currently do in Alaska with Fish and Wildlife. We have a commitment to make sure that the efforts of the Smithsonian and their successes are integrated into the database of Fish and Wildlife. This is not to duplicate. It is not to create something that might be a threat to the existing program we have under way. It is to complement it. It is to say that we understand this is a large continent and that we have to tap the pool of people who are in nonprofits across the country and across the continent, if we want to be successful with a surveillance program.

I ask my colleagues to support reprogramming \$5 million for this year. It is not new money. It is reprogrammed money. It is money that we had devoted to surveillance. It is shifted from human surveillance to migratory bird surveillance.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I was going to ask the Senator if he knows of any objection. I was advised that there is one Senator who has indicated opposition to the amendment. I am a member of the Board of Regents of the Smithsonian. I have a high regard for the work that is done there. Listening to the description of the Senator from North Carolina, I am inclined to support the amendment. But in view of the fact that there is at least one Senator with a contrary view, I think we ought not go forward without giving him an opportunity to come and express his concerns, if he would like to have an opportunity to do so. My hope would be that we could put in a quorum and see if there is a need to discuss it further; otherwise, I suggest that we accept it on a voice vote.

Mr. BURR. I thank the chairman and recognize there might be an individual who wants to speak in opposition.

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. LOTT. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 3641, DIVISION XI, WITHDRAWN

Mr. LOTT. Mr. President, is the amendment pending now and open for debate by Senator COBURN with regard to the Armed Forces Retirement Home?

The PRESIDING OFFICER. That division is available for debate.

Mr. LOTT. If I may speak on this subject, I would plead with my colleague from Oklahoma to bear with me and work with us on this. I have a feeling this is something he would like to see done. I think he wants to make sure it is done in the right way. That is my goal, too. I would ask him to hear me out a minute. Let's see if we can work this out and perhaps not force this to a vote, take up the Senate's time, see if we can accommodate everybody's concerns.

Again, this is a place that I have direct personal familiarity with. I was there when it was a high ground on the Mississippi gulf coast beach area with 200-year-old oaks, a beautiful site. In the 1970s, through the good offices and efforts, probably of Senator Stennis, an 11-story retirement home for old sailors was built on that magnificent site in 1976. I was there when the ribbon was cut, and I was so proud of that facility. It was such an exciting thing to see the look in the eyes of those at that time sailors, but it has since become, of course, the Armed Forces Retirement Home. So it is a place of last resort for retirees from all the military branches. That is how far back my history goes with this facility.

In preparation for the storm, to the credit of the leaders there, 300 of the

residents were temporarily evacuated to the Armed Forces home in Washington. The rest moved in with friends and family. The facility is capable of holding as many as 500, and there was always a waiting list. When Katrina came in, the entire first floor was flooded. The exterior of the building was blasted with 150-mile-an-hour winds. The entire electrical room located below ground level was flooded from floor to ceiling.

But from that time to this, I continue to hear from the residents saying: We want to come back; we want to come home. Nothing against the Washington, DC, area, but their family, quite often, what little family they have, lives in that area and they feel so comfortable there, they want to go back.

By the way, the Gulfport facility, unlike the one in Washington, didn't lose money. It was always a moneymaker. But the rooms they had were 90-square-foot rooms, and sometimes it was a retiree and his or her spouse in this very small room. I realized several years ago that whoever designed the building had made some mistakes in terms of the size and the options of those retirees.

I don't know if my colleagues are familiar with black mold, but it is bad stuff, and it comes quickly after a hurricane. You begin to see it on the walls, and it will make you sick. If you don't get it out of there, your building will be sick. You have to go in and basically take everything out but the two by fours. You have to take out the walls in the building—just everything—and replace it with new material, or you are going to have this black mold.

I have really been embarrassed by the way the Defense Department has handled the Gulfport facility in the aftermath of the hurricane. I understand we have had a lot of things on our minds, but basically they haven't done anything to mitigate further decay. They haven't gone in there and repaired that first floor. They have not gotten the ventilation system going to dehumidify the rest of the building. They have not done anything to repair the exterior facing. They have not removed the black mold. And to make matters worse, other than some volunteer work initially done by the Navy Seabees, they basically will not let anybody else come in to try to mitigate the decay that is occurring.

Remember, this hurricane was August of last year and that 11-story building stands there today basically like it was the day after the hurricane. They are letting it just sit there. They even initially refused to let the electric company come through the gate to help restore power. This has not been one of our better moments.

Then we started asking: What can we do? I want to do the right thing for our retired veterans at this site. There have been proposals: Let's just go in and put a Band-Aid on it, clean it minimally, move things off the basement

and the first floor up to the second floor. There are questions about how feasible that is. Let's just patch it up. But the projection of the costs for even that is not good.

The second alternative is to go in and do a major overhaul and make these 90-square-foot rooms bigger—knock a hole in the wall and have two-room suites, really a major overhaul. The amount of money they are talking about, again, is very high.

Then, of course, the last one is to raze the building and build something more modern, safer in hurricanes, more pleasing to the retirees and everybody involved.

My attitude has been, OK, somebody who is an expert tell me what is the right solution. I can go with any of these alternatives, but let's make sure we do it responsibly and let's not have to do it again in 3 or 4 years. And, by the way, is there some way we can control the costs? A novel idea. So that is where we are.

I met with the Pentagon officials, and I think they are trying to come up with an alternative solution. \$64.7 million in appropriated funds was previously provided to study options to rehouse evacuated veterans. Mr. President, \$64 million to study options? Do we need that?

What I am saying and what Senator COCHRAN is saying is let's take the balance of that prior money that can be reprogrammed, and let's couple that with another, I believe, \$176 million and go forward.

My colleague from Oklahoma has said he wants a facility put back in Gulfport. He wants to know what it is, and he wants to know what it is going to cost. Some of the numbers I have been hearing—I don't know if I can put my finger on it right here—are proposals of \$589 million for renovating it or \$389 million to rebuild it. Good gravy. That is real money. I don't like either one of those.

I believe we can repair it or we can come up with this modified proposal Senator COCHRAN has, about which we had some input, that would be a better, more aesthetically pleasing, more livable, cheaper facility to build.

Look at the report. The report makes it clear what the committee is talking about doing: combined with prior unobligated balances, taking the \$176 million the committee has recommended, which shall be used to construct a new, multi-building, campus-style facility on the site occupied by the former Armed Forces Retirement Home.

I think Senator COCHRAN envisions more of a three-story, military-style retirement facility, perhaps with some surrounding dormitories.

I don't want to say how this is going to be done, but the hurricane was 8½ months ago, and we are still waiting. The costs are going up, by the way. Try to get a contractor down there now and see what it costs.

So we are trying to get this done. We are making recommendations because

we haven't gotten one from anybody else. But keep in mind, this modified plan makes more sense. I think it would please everybody, and it is a heck of a lot cheaper.

If my colleague from Oklahoma has something he would like to suggest we include—I am not chairman of the committee, I am not on the committee, but I am saying, this was not designed in perfection, but I think it is a positive move that deals with the realities of a pitiful situation.

I talked with the mayor of Gulfport, MS, recently, Mayor Brent Warr, and he told me a story that breaks your heart. He picked up on the streets of Gulfport, MS, one of the former residents who was walking along the side of the road after he had made his way from Washington, DC, to Gulfport. He got tired of waiting. He went home—this is his home—to a mold-infested, mildewed, improperly air-conditioned facility.

I don't think we should do this to these retirees and these veterans. I think we need to move ahead and do the right thing to get our veterans home to Gulfport. I will be glad to yield to my colleague from Oklahoma if he has some additional suggestions. I know this is an area about which he cares.

Mr. COBURN. Mr. President, I want to see this facility replaced, too, but I have some serious questions. The Senator was not here for the debate. I want him to hear those questions because what he is proposing is cheaper than several of what the retirement board suggested. I agree. Call me cheap. What he is proposing is \$370,000 per resident. That is twice what I can build a brand-new hospital for with the latest everything.

I guess my point is, for \$221 million, what are our grandchildren going to get because we are doing this under an emergency, and we know we can build a brand-new facility up to code, nice as can be, with the rooms the size the Senator wants, for \$150 million total. We know that is possible. So why should we spend \$221 million doing it? If it is not a fixed plan now; if we send \$221 million out of here, they are going to spend it.

My problem is, I would love for the Senator and maybe the chairman to work with me to get this to a more realistic idea of what the real costs should be so that we accomplish the goal they want, and we do it in a more timely manner. I agree, having a campus style is probably a little bit more expensive, but it isn't 50 percent more expensive than what it should cost.

I made the point earlier that for a new home, for a single or couple living in 1,200 to 1,500 square feet in the State of Mississippi, you can buy one of the nicest places in the world for \$81,000 right now, or \$72,000. We got a quote yesterday from Mississippi. So that leaves \$300,000. If we bought them all a brand-new home and then hired them a caretaker at \$30,000 a year for the next 10 years, we would spend less money.

Again, you bet, I am a tightwad when it comes to our grandchildren's money, and I want value for what we spend. That is the purpose of this amendment. I am willing to withdraw this amendment if I can have the assurance that we can moderate this back into a range that would look like something comparable to what we really need to spend.

I wish to make a final point, if the Senator will bear with me. We don't have this money. We don't have it. Anything we don't get good value for today because our kids are paying for it means they are going to get an exaggerated cost when they come to pay it back. That is my purpose.

I want them to have a great home. I want them to be able to come home. I know they have a tremendous camaraderie living there. I want to see that restored for them. They deserve it. Can we not do it in a much cheaper way and still give them what they want? Remember, they fought hard so we would have the money to be able to do it.

Mr. LOTT. If the Senator will yield, Mr. President, taking my time back, look, I on occasion have thought of myself as a cheap hawk, too. When you see what I have seen—and the President of the United States and Senator after Senator and Congressman after Congressman looked these people in the eye and said: We are going to make you whole; we are not going to give you everything you want, but we are going to help you get back on your feet. And we said that to these old veterans, too.

I don't want to build a Taj Mahal. Unfortunately, quite often that is what we get when the Government does it. I would like to do it for less. I would like to have more for less. I would prefer the Pentagon had developed a plan 4 months ago and said let's do this. But here we sit on the sideline.

I can't speak for the chairman of the committee, but the Senator can see this is something I have paid attention to. It is something I care about. But I would be open to suggestions and working with the Senator to see if we can come up with a plan that the Pentagon, hopefully, would help us with that would do more and maybe do less. I am amenable to that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator, my colleague from Mississippi, for his contribution to this discussion. I think he made a very compelling argument for the fact that we need to provide funds in this bill with direction to proceed to work on a new facility for these veterans. That is the point. That is why included in this bill is a committee recommendation of \$176 million.

The language specifically suggests that this be used to construct a new, multibuilding, campus-style facility on the site occupied by the former Armed Forces Retirement Home in Gulfport,

MS. I think that is the key, and that was brought out by my good friend and colleague from Mississippi. That is the point.

It is the sense of our committee and those familiar with this facility that it should remain in the Gulfport, MS, area. The mayor of Gulfport came up to see me to talk about his concerns, his interests, and his ideas. I know he talked with Senator LOTT and probably other members of our delegation. I want to help him achieve his goal for having the facility rebuilt, using the best measures that we can to be sure we get a good result for the dollars that we invest, and we don't waste money. We don't want to do that. We don't want to just throw a lot of money out there and let the home spend it without any guidance or restraint.

I am very committed, though, to the notion that we ought to have a provision with some money and these directions in the bill. I don't think the House has included anything like this. We are going to have to negotiate with the House when we get to conference. I don't know what their ideas would be, but I want to be able to have at least the commitment of the Senate behind our effort to do what is said in this report.

It could be \$176 million. If the Senator wants to change it to \$166 million or \$120 million—I don't know what the right number is. But it shows a commitment to proceed with funds available to hire some people to get the work done. This is what Senator LOTT's point is. Nothing has been done. We have to get somebody moving, get an architect selected, come together with a plan, and then we will see whether we can fund it. But at least we have enough money in here to show we are serious about rebuilding it, that we are making this investment, and we will monitor the use of the money and try our best to be sure that every dollar is well spent. That is my goal.

The Armed Services Committee has oversight responsibility. That is the legislative committee. So they can help monitor and follow the progress as well. But I hope we won't strike the money and just say this is a bad idea and we are not going to do anything else. That is unacceptable. That is totally unacceptable.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I concur with the Senator's desire to reestablish the site there. That is not what this is about. I am told the Senate Armed Services Committee is not for this because it only gets us halfway there, which bothers me greatly because instead of \$221 million, we are going to spend \$442 million, which ends up being about \$800,000 per bed.

The point I make is this: If you throw money out there, they are going to build where they expend the money. How about us having a plan within a certain amount of money and living with it, rather than saying we are

going over or we are not going over? How about taking the average of the last couple that have been built where there have been any facilities similar to it and using that as a guideline? My problem is it is not \$176 million; it is \$176 million plus \$44 million, and other people are going to authorize another \$200 million, so we are going to be talking about a half a billion dollars, and that is my problem with it.

I ask unanimous consent at this time to withdraw this amendment. I appreciate the courtesies extended to me during the debate. I know the desire is right. I think the money that is out there is extraordinarily too much, especially when we have documented estimates to repair the present facilities between \$50 million and \$60 million and to build new ones between \$120 million and \$150 million. So anything above that is fluff at this time, which we can't afford. We can meet our obligations, but we can't go much beyond that and meet our other obligations. So I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. SALAZAR. Mr. President, parliamentary inquiry: What is the pending business?

The PRESIDING OFFICER (Mr. ALEXANDER). The amendment of the Senator from North Carolina.

Mr. BURR. Mr. President, would the Senator from Colorado yield for a question? If the Senator would allow me, it is my understanding we would be able to voice vote my amendment that is pending right now. If the Senator would allow me to do that, we could dispose of this amendment in 30—I have been told I am incorrect.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, through the Chair, I think it would be appropriate for my friend from North Carolina to have a conversation about how to move forward with his amendment. At this point I ask unanimous consent that the pending business be set aside so I may offer an amendment.

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

AMENDMENT NO. 3736

Mr. SALAZAR. Mr. President, I call up amendment No. 3736.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR] proposes an amendment numbered 3736.

Mr. SALAZAR. 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 as follows:

(Purpose: To provide funding for critical National Forest System projects to address the consequences of Hurricane Katrina and other hurricanes of the 2005 season, reduce the risk of catastrophic fires, and mitigate the effects of widespread insect infestations throughout the National Forest System)

On page 172, strike lines 15 through 21 and insert the following: "System" for necessary expenses, \$50,000,000, 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."

Mr. SALAZAR. Mr. President, a few days ago I came to the floor of the Senate to talk about a very important issue that is facing the entire Nation with respect to the fire emergency we are seeing across many of our States, including many of our western States. At that point I proposed an amendment that would provide an additional \$30 million in disaster emergency aid so the Forest Service can take on the work it needs to take on to assure that we don't have the destruction from fires we have seen in prior years.

In my own State alone, we have seen what happens when you have the fire situation getting out of control. In 1994, the Storm King fire near Glenwood Springs ended up with the deaths of over 14 firefighters. Back in 2002, we had another fire, the Hayman fire, which caused 138,000 acres of national Forest Service lands to be burned across 4 different counties. These kinds of fires are the kinds we are seeing across our entire country, and we need to make sure we have the resources in order to be able to fight the fires we are going to be seeing in the weeks and months ahead throughout our great Nation.

What I am doing with this amendment is simply providing the amount of money that would be needed to get us up to the levels for firefighting that we had during the prior year. It is something that is essential to our country, it fits within the framework of addressing disaster emergencies, and I am hopeful my colleagues in the Senate will agree with me and support this amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

At this time there is not a sufficient second.

Mr. COCHRAN. Mr. President, if the Senator will yield, I hope that the Senate could accept this on a voice vote. I don't know that we need to have a roll-call vote. It seems to me to be an amendment that should be accepted by the Senate. It calls for the use of—my piece of paper says \$50 million, and I heard the Senator say \$30 million, or did I hear him wrong?

Mr. SALAZAR. Mr. President, if I may respond to my friend from Mississippi, the amendment asks for \$50 million because we attempted to make

sure we were protecting the amount of money that had been requested in the bill in the Forest Service items for Katrina recovery. So this is \$30 million in addition to that, which brings up the amount in the amendment to \$50 million.

Mr. COCHRAN. So the bill as reported from our committee was \$20 million, and this adds \$30 million?

Mr. SALAZAR. That is indeed correct. I am willing to withdraw my request for a vote at this point in time if, indeed, we can resolve this by a voice vote.

Mr. COCHRAN. Mr. President, I am willing to urge the Senate to accept the amendment. There is clearly a need for funding, and we will have an opportunity to monitor this carefully to be sure that money is not wasted. But clearly, the devastation to timberland and forestry resources is immense. It is indescribable. You have to see it. You can drive along hundreds of miles of forestlands in the region, and it is staggering, the amount of destruction that has occurred.

I compliment the Senator and thank him for offering the amendment and assure him of my support and recommendation that we accept it.

Mr. SALAZAR. Mr. President, regarding Senate amendment No. 3637 to H.R. 4939, I believe it is important to clarify the intent of this amendment. The intent of Senate amendment No. 3637 is similar to Senate amendment No. 3645; however, due to technical considerations I had to redraft the amendment. The intent of Senate amendment No. 3637 is to provide \$20 million to the Forest Service to address the consequences of Hurricane Katrina and other hurricanes of the 2005 season, as the Senate Appropriations originally reported. My amendment retains that \$20 million for the gulf coast and adds another \$30 million to reduce the risk of catastrophic fires and mitigate the effects of widespread insect infestations throughout the entire National Forest System.

The need for this additional funding is highlighted in the State of Colorado. In Colorado, the Forest Service expects to conduct 35,000 acres of hazardous fuel reduction work as well as process timber sales in insect infested areas. However there is a capacity for more critical work to be done. Colorado has approximately 35,000 additional acres that are approved for hazardous fuel treatments; however the Forest Service lacks the funds to carry out those treatments. Colorado also has 12,000 acres ready for timber sales that would benefit the fire and insect situation but for lack of funding are not being carried out in fiscal year 2006. I use Colorado as an example, but this problem exists throughout the Western United States where extended drought and insect infestations have created dangerous conditions ripe for catastrophic fires in 2006. It represents a true emergency. Waiting to address this issue in the fiscal year 2007 appropriations

process is not a viable option; the 2006 fire season is already upon us in the West, and these funds are needed immediately.

Mr. President, I thank the Senate for recognizing this emergency on the national forests throughout the country.

The PRESIDING OFFICER. Is there further debate?

Mr. SALAZAR. Mr. President, I thank the chairman.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3736) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. Mr. President, I move to lay that motion on the table.

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

The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank the Senator from Mississippi as well as the floor manager from Washington, my distinguished friends, for their assistance on this important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The Coburn amendment is the pending amendment.

#### AMENDMENT NO. 3810

Mr. OBAMA. Mr. President, I ask unanimous consent to set aside the pending business so I may call up my amendment No. 3810.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. OBAMA] proposes an amendment numbered 3810.

Mr. OBAMA. Mr. President, I ask unanimous consent that 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 that none of the funds appropriated by this Act may be made available for hurricane relief and recovery contracts exceeding \$500,000 that are awarded using procedures other than competitive procedures)

On page 253, between lines 19 and 20, insert the following:

#### ACCOUNTABILITY IN HURRICANE RECOVERY CONTRACTING

SEC. 7032. None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and the other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract exceeding \$500,000 through the use of procedures other than competitive procedures as required by the Federal Acquisition Regulation and, as applicable, section 303(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(a)) or section 2304(a) of title 10, United States Code.

Mr. OBAMA. Mr. President, to begin with, I thank the floor managers on this bill for their help in finding the time to call up this amendment. I would love to get advice from the Senator from Colorado in terms of how to unanimously get an amendment accepted.

After the devastation of Hurricane Katrina, millions of Americans opened their hearts, their homes, and their wallets to help the victims in the gulf coast. Even before Katrina's winds and rains died down, Americans across the country called national hotlines and pledged their hard-earned dollars, their time, and their prayers to the relief effort.

But they didn't just pledge—they also delivered. They delivered to the tune of \$3.5 billion. Many of these donations came from working-class families who didn't have much to give, but they gave what they could.

Like the American people, President Bush made a pledge after the disaster. He pledged he would provide the gulf coast with the Federal assistance it needed to get back on its feet. With the bill now before us, the total amount of Federal funding for hurricane recovery will exceed \$100 billion, and it is safe to say more money will be needed in the months and years to come.

But in order to make good on the President's pledge, we need to do more. We need to pledge to be responsible stewards of taxpayer dollars. We owe this to the Americans who donated their own funds to hurricane relief efforts and to those who trust us each day with the tax money they send to Washington. Unfortunately, we haven't done a very good job so far of delivering on this pledge.

Yesterday, Senator COBURN and I came to the floor to detail the numerous instances of waste, fraud, and abuse in the use of Katrina funds. We know that FEMA spent nearly \$880 million in taxpayer money on 25,000 temporary housing trailers stored around the country, including 11,000 that are currently rusting away in a field in Arkansas.

There are reports of prime contractors charging upward of \$30 per cubic yard for debris removal—work that actually costs subcontractors as little as \$6 per cubic yard.

As the Washington Post reported, four large companies are charging 1,500-percent markups—1,500-percent markups—to cover damaged roofs with plastic tarps.

Senator COBURN and I have tried to address these problems by offering a sensible package of amendments to ensure fiscal accountability and transparency. We have proposed the appointment of a chief financial officer to oversee the spending of Federal funding. We have proposed limits on the amount of overhead expenses a contractor can charge the Federal Government, and we have proposed that the details of all large Katrina contracts be posted on the Internet.

Unfortunately, these amendments are not germane now that cloture has been invoked. I think that is unfortunate. It is unfortunate because the interests of the American taxpayer are not being well served by this body. Even though we will have appropriated well over \$100 billion by the end of this week for Katrina relief and recovery, we haven't put in any accountability systems to ensure that the money is well spent.

I am aware that I am new to this body, but I am troubled that Senate rules are getting in the way of sound policy. I understand that is how the Senate works, so Senator COBURN and I are here to offer one modest amendment to protect taxpayer dollars. Our amendment addresses no-bid contracting and is germane to the underlying bill.

Immediately after the hurricane, FEMA awarded four \$100 million no-bid contracts to four large companies—400 million taxpayer dollars—without full and open competition. Acting FEMA director David Paulison was asked about these contracts when he testified before the Senate Homeland Security and Governmental Affairs Committee on October 6, 2005, and he said the following:

I have been a public servant for a long time and I have never been a fan of no-bid contracts. Sometimes you have to do them because of the expediency of getting things done. And I can assure you that we are going to look at all of those contracts very carefully. All of those no-bid contracts, we are going to go back and rebid.

Senator COBURN and I expected Director Paulison to stick to his word and rebid these contracts. But a month and a half passed, and the contracts still had not been rebid. So last November, we introduced an amendment to the tax reconciliation bill expressing the sense of the Senate that FEMA should immediately rebid these contracts. Our colleagues agreed and the amendment passed by unanimous consent.

After our amendment passed, both Senator COBURN and I met again with Director Paulison and again he assured us these contracts would be rebid. Yet, surprisingly enough, these contracts still have not been rebid. And to add insult to injury, FEMA said in March that the contracts would not be rebid after all. In fact, the contracts have actually been extended, despite the fact that GAO found three of these four firms had wasted millions of dollars in taxpayer funds.

The abuse doesn't stop with these four contracts. We learned 2 weeks ago that the Army Corps of Engineers missed an opportunity to negotiate a lower price on a \$40 million contract for portable classrooms in Mississippi. Instead, a no-bid and overpriced contract was awarded to an out-of-State firm. I have often heard it said that the definition of insanity is doing the same thing over and over again and expecting a different result. Frankly, what we are doing with Katrina funding borders on insanity. We in Congress keep

on trusting FEMA to enter into competitive contracts even though there is no evidence that it has any intention of doing so.

The amendment we are offering today is only our effort to say enough is enough. Our amendment requires all Federal agencies to follow competitive bidding procedures for any Katrina-related contracts exceeding \$500,000. It is a commonsense amendment. It is a good-government amendment. Eight months after Katrina, there is no longer any emergency that justifies a no-bid contract that might have been entered into in the days after Katrina. If there is an emergency, it is getting control of how the money is being spent by FEMA.

The American people deserve the benefits of competition on Government contracts. Competition is good for American business. It is also good for government. It helps ensure high quality and low cost. That is what the American people have the right to expect. That is what our amendment seeks to deliver.

Before we spend another dollar in the gulf coast, let's make sure we have some transparency and accountability in place to ensure that Federal money is helping those people who need it the most, instead of lining the pockets of contractors. In our rush to give money to the gulf coast 8 months ago, we didn't do that. It was understandable. We were all shell-shocked by what had happened. But the American people, and more importantly the victims of Katrina, have paid a heavy price. I urge we not repeat that mistake. I urge my colleagues to support Senator COBURN and me in this effort.

Mr. President, I understand the Senator from Oklahoma does not wish to speak on the amendment, so I ask for the yeas and nays.

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

Is there further debate? If not, the question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—98

Akaka	Brownback	Cochran
Alexander	Bunning	Coleman
Allard	Burns	Collins
Allen	Burr	Conrad
Baucus	Byrd	Cornyn
Bayh	Cantwell	Craig
Bennett	Carper	Crapo
Biden	Chafee	Dayton
Bingaman	Chambliss	DeMint
Bond	Clinton	DeWine
Boxer	Coburn	Dodd

Dole	Kohl
Domenici	Kyl
Dorgan	Landrieu
Durbin	Lautenberg
Ensign	Leahy
Feingold	Levin
Feinstein	Lieberman
Frist	Lincoln
Graham	Lott
Grassley	Lugar
Gregg	Martinez
Hagel	McCain
Harkin	McConnell
Hatch	Menendez
Hutchison	Mikulski
Inhofe	Murkowski
Inouye	Murray
Isakson	Nelson (FL)
Jeffords	Nelson (NE)
Johnson	Obama
Johnson	Pryor
Kennedy	Reed
Kerry	

Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—2

Enzi	Rockefeller
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The amendment (No. 3810) was agreed to.

Mrs. MURRAY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3641, DIVISION XII, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3641, division XII, and I ask unanimous consent for its withdrawal.

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

AMENDMENT NO. 3641, DIVISION XIII, WITHDRAWN

Mr. COBURN. And I ask unanimous consent to withdraw division XIII.

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

AMENDMENT NO. 3641, DIVISION XIV, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent division XIV be withdrawn.

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

AMENDMENT NO. 3641, DIVISION XV, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent division XV be withdrawn.

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

AMENDMENT NO. 3541, DIVISION XVI, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent to withdraw division XVI.

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

AMENDMENT NO. 3641, DIVISION XVII, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent to withdraw division XVII.

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

AMENDMENT NO. 3641, DIVISION XVIII, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent for the withdrawal of division XVIII.

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

Mr. COBURN. Mr. President, I withdrew amendments for things I still do not agree with that are in this bill. I am not going to spend the time in the Senate now, but I will spend the time

before we have the final vote on this bill to discuss what is in this bill that is not emergency, that is not an obligation by the Federal Government, that is not prudent or fiscally wise. I will not spend the time on that at this time.

AMENDMENT NO. 3641, DIVISION XIX

Mr. COBURN. I ask unanimous consent division XIX be brought up.

The PRESIDING OFFICER (Mr. CHAMBLISS). The measure is pending.

Mr. COBURN. Mr. President, this is an amendment that removes \$11.3 million from our Corps of Engineers, Sacramento River Bank Protection Project in California.

I have no lack of understanding of the potential flooding problems occurring in San Francisco and south of there in California and the way the rain patterns have changed. I am not wishing to defeat anything that will make a real difference on that.

This amendment is about a program that is 46 years old that, according to the Corps' own statement, is 95 percent complete, that we have already spent \$131 million on, that \$10.6 million is being spent this year, as we speak, on this program.

In this supplemental, they are asking for another \$11 million for this program. I don't doubt that the \$11 million will be needed. But it won't even get there under this emergency supplemental, through the Corps' own admission, until after September when the new year starts.

First of all, it does not meet the definition of "emergency," that it should meet in coming through this bill.

What does this program do? This program solves and prevents levee erosion problems while providing fish and wildlife mitigation. That is what the program does. It has been going since 1960.

We had \$6.3 million included in the energy and water appropriations bill last year and an additional \$10.96 million. The Corps also stated that \$57 million more is needed for the final completion of this project.

This says a lot about the Corps of Engineers and their ability to get things done. Although I might agree we need to eventually spend the money for this project, it certainly ought to be paid for and come out of the energy and water appropriations because the money will not get there to be utilized. They have not even spent the money appropriated on the spend-out this year.

I am not, in substance, against completing this project. It comes back to the same things we have been talking about. Is it an emergency that we do it now? And if, in fact, it is an emergency, will the money get there and make a difference? It won't.

I am asking this go through the regular process, through the energy and water appropriations, that it be authorized to the extent that the Senators from California would like to have it, and that we do it in regular order.

It would be different if we thought this money was really going to make a difference with the problems in California, but it is not. It will not change one thing in terms of how the Corps operates this program this year. By the time the money would get there, it would have to be reprogrammed anyhow.

I have some other problems with this program. Ask yourself: If we have spent \$131 million plus \$6.3 million, \$137 million already, and the Corps says it is 95 percent complete, and then they say they need another \$51 million to complete it, how can it be 95 percent complete?

This is not about the need. This is about the inefficiencies within the Corps. This is about whether we can get the money to solve a problem that is deemed an emergency at this time, but I seriously doubt whether that has been the fact.

The Corps has been cited on numerous occasions by the GAO for its inability to predict costs, stay within the forecasted budget. In fact, some of GAO's strong criticisms have come in regard to this very work in the Sacramento area.

I made the point in an earlier amendment with Senator OBAMA that the Corps made \$5 a cubic yard on everything we removed in Katrina. That is over 30 million cubic yards. That is \$150 million the Corps took out of the Homeland Security and the emergency appropriations. Why don't we spend that money on this? Why do we borrow more money against our children and grandchildren to accomplish this worthy goal?

When I ask those questions, we do not get any answers. No one answers the question, can we efficiently be good stewards of our children and our grandchildren's money? When is enough enough? If this project is, indeed, an emergency, as we are being told, we need to be asking the tough questions. How long does it take to shore up levees near Sacramento—46 years for the Corps to do this job? I have a real sneaking suspicion 10 years from now the Corps will continue to ask us for money to shore up levees in Sacramento. And if that is the case and they have not completed it, it means they will not have done a good job on the very job we ask them to do, which is something I contend anyway.

These funds may, in fact, be needed. If that is the case, the Corps of Engineers has failed miserably.

I intend, in my oversight committee, to ask for an explanation of every penny the Corps has spent on the river bank protection near Sacramento. Representatives of this city and taxpayers all across the country should be outraged regarding the irresponsibility of the Corps in carrying out this project. Forty years and over \$130 million later, we are asked to give the Corps an additional \$11 million in emergency appropriations, money we will have to borrow, all because the Corps cannot do

its job correctly the first, third, fourth, fifth, up to the 46th time.

Enough is enough. No venture would ever continue to receive such high funding with this track record.

Two other questions I think should be asked. Does the Corps lack the resources to fund the emergency needs? According to the Office of Management and Budget, the Corps of Engineers had \$4.5 billion in unobligated balances last year and has an estimate of \$5.8 billion in unobligated balances this year. According to the Corps itself, as of March 30, their unobligated scheduled carry-over was \$1.49 billion. They have the money to do this right now.

The Sacramento Corps office will have unobligated balances by the end of 2006 in excess of \$13.5 million.

I ask again: Why are we going to borrow money when we have the money? If, in fact, it is an emergency, the Corps has the money in unobligated balances to accomplish it. All we need is an authorization to do that.

How do we prioritize Federal funds in California? In fiscal year 2006, California has 549 earmarks costing \$733 million. In addition, it received \$10 million in earmarks for museums alone. That expenditure alone would have been enough to pay for nearly all of this requested work.

Are the following museum earmarks more important than protecting the city of Sacramento: \$200,000 for the California State Mining and Mineral Museum; \$550,000 for development and construction of Noah's Park at the Skirball Cultural Center; \$4.35 million for repairs of Sala Burton Maritime Museum, in San Francisco; \$300,000 to the city of San Jacinto for improvements to the museum/Extudillo property; \$175,000 for the M.H. de Young Memorial Museum; \$500,000 for the construction of a museum also at the San Francisco Fine Arts Museum.

Just the museum earmarks alone would take care of this. So instead, what we are going to do, we are going to borrow money because we do not have the money to pay for this.

Attempting to attach more funds for the project, the project in its 46th year, outside of the regular budget process, is an abuse of taxpayer resources, takes advantage of the emergency appropriations process intended to deal only with the most urgent and immediate needs of the devastated gulf region, and to provide for our soldiers in battle.

Senator BOXER said on May 1, 2005, the war should be paid for in the budget, not in an emergency supplemental. The war is known. The cost of the war was anticipated by some people that this administration fired. The cost of this war is spinning out of control.

The same can be said for this project. This project was authorized in 1960. It has received over \$100 million and its future costs are known. This should be addressed in the regular appropriations process, not in an emergency supplemental.

With that, I yield the floor, and I offer time to the opponents of my amendment.

Mrs. FEINSTEIN. Mr. President, I am joined in the Senate by my friend and colleague, Senator BOXER. We are joined at the hip in opposition to this. If there ever was a disaster waiting to happen, it is the levee situation in the State of California. I will take a few minutes to explain why.

Let me begin with this fact. We have a comparison of flood protection levels for major river cities. Sacramento is the only city in the Nation with 85-year protection. All comparable cities—New Orleans, 250-year flood protection; Omaha, 250 years; Dallas, 500 years; Kansas City, St. Louis, Tacoma, 500 years.

The problem is, much of this area is 20 feet or more below the river, below the flood basins.

I stood in a home in Sacramento on Saturday. It was 20 feet below the level of the river. That is the problem. The sedimentary base of soils there is peat, and it is easily crumbled.

What you have are 2,600 miles of levees—some owned by the Federal Government, some by the State, some by private owners. These levees become eroded. And because of the heavy rain—the heaviest rainfall, I believe, that I can remember in California—there is deep concern about these levees.

Let me show you the specific area we are talking about. Shown in this picture is the Sacramento Pocket Area. The Governor, Mr. POMBO of the House, and a number of other public officials were right in this area—standing right here—a short time ago. We flew over the area. These are homes, all 20 feet below the river area. There are several places in this area that are priority needs for restoration immediately.

The Governor has declared a state of emergency. The Governor has advanced State moneys. The Governor has said this is of urgent priority. The fact of the matter is, at any time, places along this levee could go. You would flood 100,000 people in 20 feet of water. Many would be unable to evacuate. You would have real catastrophe.

The Army Corps of Engineers, through Colonel Light, the commander of the Sacramento District, came back. We sat down with Senator COCHRAN, the chairman of the committee, Senator BYRD, Senator DOMENICI, and Senator REID. It was all explained that there is an emergency. Earthquake probabilities, for a major earthquake equal to 1906 in San Francisco or higher, are 62 percent by 2030. If there is an earthquake equal to what took place in California, the likelihood is that this entire area would be flooded and hundreds of thousands of people could be involved.

Now, this bill provides \$23 million in contingent emergency funding. This particular division is \$11.3 million. Funding would become available only if the President requests the money and certifies that it is an emergency.

As I say, on February 24, the Governor proclaimed this state of emergency. He cited 24 critical erosion sites. That has been changed to 29 because of ongoing erosions due to the current high water level.

Today, there are 400 people from Sacramento who were worried enough about it that they have come to the Capitol to lobby for these funds. The money can become available as soon as the President signs the bill and certifies the contingent emergency.

The Sacramento River Bank Protection Project is the Federal project that repairs these critical erosion sites. This additional funding will ensure that these sites are repaired in this construction season. Both the State, Senator BOXER, and I have looked very carefully: Is this money that could be used this fiscal year, before the end of September, on these sites? The answer is clearly, yes.

Today, President Bush announced he is expediting environmental review to allow construction work on the sites to proceed as quickly as possible.

So President Bush, Governor Schwarzenegger, and the Senate Appropriations Committee all recognize how important it is to repair the weakened levees along the Sacramento River.

Mr. President, 174 actively eroding sites on levee banks have been identified. The highest priority is 29 of these sites. That is what we are trying to repair as soon as possible to prevent subdivisions, such as this one shown in this picture, from being inundated with 20 feet of water.

I stood there. I saw it. I saw the difference in height. And that is a phenomenon on the levee. Some might say housing should have never been built there, but the fact is it was.

The critical sites we are asking money for stretch along 137 miles of the Sacramento River. They include areas of the river in the city of Sacramento, and that is this pocket area.

Now, these homes sit virtually in the shadow of the levee system, and modeling by Sacramento show that a breached levee would result in the area flooding to depths of 17 to 20 feet.

This area is called the "Pocket" because the homes sit in a pocket by a broad curve in the river.

Mr. President, 33,000 homes are here; 100,000 people live right here. Colonel Light, the commander of the Sacramento District of the Corps, has indicated to me, to Senator COCHRAN, to Senator BYRD, to Senator DOMENICI, to Senator REID, that this money can be utilized by the Corps now. The reason they cannot transfer funds is because prior legislation of this body and the other body prohibits the transfer of funds above a certain amount in a timely and effective manner.

The repairs consist largely of armorizing the levees with rock. Of the 29 sites, repairs for 5 have been designed already, and the remainder will be designed in the next few months.

I do not need to tell you what a major flood would do. I do not need to

tell you that these rivers are at historic highs right now. And it is as the river begins to decline that they worry most because the fear is the water subsiding will take with it portions of this levee.

The work has to be done.

It is kind of interesting. I often tell a story of when I was mayor, and the director of Public Works came to me and said: Madam Mayor, I think if there was an earthquake, the rim of Candlestick Park would come down. And I thought: What is the likelihood of that? I said: How much does it cost? He told me. And then I thought: I now know this. I have an obligation to do something about it. We found the money. We repaired the rim. And who would have thought that the Giants would have been in the second game of the World Series, at 5 o'clock, when the Loma Prieta earthquake hit, and the rim of Candlestick Park—had it come down—would have killed 20,000 people sitting directly below it.

I am telling you that these levee banks could breach. I am telling you that 100,000 people and 33,000 homes—as shown right here—could lose their lives and their homes. And the evacuation difficulty is enormous.

It seems to me that once we know this as public officials, we have an absolute obligation to do something about it.

The Appropriations Committee has agreed. The money can be used this fiscal year. And both my colleague and I believe very strongly we should vote "no" on this amendment.

I would like to yield the floor to my colleague. I know she is here somewhere.

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

Mrs. FEINSTEIN. I certainly will.

Mr. COBURN. When you were changing Candlestick Park, you did not borrow money from future generations of Americans to do that? You found it within the budget? I believe that is correct; is it not?

Mrs. FEINSTEIN. Well, it is interesting. City and county budgets have to be balanced. The only budgets that do not have to be balanced are the State budget, at least in California, and the Federal budget. But we had to balance our budget, so, yes, I did have to find the money by taking it from other places. That is true.

Mr. COBURN. Will the Senator yield for an additional question?

Mrs. FEINSTEIN. I will.

Mr. COBURN. I have said I do not deny this work needs to be done. Can you foresee that the environmental impact assessments for all this will be completed in time for this money to be used this fiscal year?

Mrs. FEINSTEIN. Yes. Because I am told the declaration of emergency by the State and the contingent emergency by the President, which he said he would declare this morning, effectively clears that for this particular work on these particular high-priority sites.

Mr. COBURN. Will the Senator yield for one additional question?

Mrs. FEINSTEIN. Yes, I will.

Mr. COBURN. Does it concern you at all that over the 46 years of this project the engineering by the Corps of Engineers for these levees is requiring them to go back now, in 29 places, and fix what they should have done right the first time? Does that concern you at all?

Mrs. FEINSTEIN. Well, of course it does. Of course it concerns me. But we learn in this business. And I think Katrina was a big learning lesson for all of us. And we have not done right by our infrastructure.

One of the problems is, as we have to cut discretionary spending that is non-defense, not entitlements, the only thing we are cutting—we are cutting 18 percent of what we spend every year. These are Federal levees. They are owned by the Federal Government. There is a responsibility to protect the people behind them.

Mr. COBURN. Will the Senator yield for one additional question?

Mrs. FEINSTEIN. Of course.

Mr. COBURN. Would it make sense to you that we could, in a supplemental, change the authorization under the emergency process so that the Sacramento Corps could use their \$13.5 million they are going to have in unobligated balances at the end of this year? We could do that just as well as borrow an additional \$10.9 million against our children; could we not?

Mrs. FEINSTEIN. Well, I have not looked at this. I was at the Napa River, where we have a big flood project, and there is a problem there. The corps there told me they could not transfer funds above a certain amount. And I believe there was some provision in a prior supplemental to prevent the transferring of that money.

Let me say this to the Senator. Do I believe this is a life emergency? Yes. Do I believe that any day these 100,000 people and 33,000 homes could be flooded? Yes. Why? Because I know they are 20 feet below the water level. I know the water level is the highest it has ever been. I know the levees are eroded. I know what they call "boils" are popping up all over.

I know it could happen. And when it happens, it happens so fast because there is so much water. So because I know it, and now you know it, we have an obligation to do something about it. And that is what the Government is here for: to save lives in the event of an emergency.

We also know that earthquake probabilities are way up, and this could be devastating. So this work has to be done. We are asking for money in the Energy and Water bill. We will have additional money there. We are going through the regular channels. But this high priority work should be done now. And we should get the money there as fast as we possibly can.

It could happen tomorrow, it could happen the next day, the next week. I

could not live with myself if it happened, and, respectfully, you could not live with yourself if it happened because you now know it can happen.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I wish to say to Senator FEINSTEIN how much I appreciate her leadership on this in the Appropriations Committee. I wish to say to the chairman of the committee how much I appreciate his understanding of what we are going through in our State with historic rains, historic flooding. I thank the Appropriations Committee for listening to Senator FEINSTEIN when she transmitted a request from the two of us and also from our Governor. This is a bipartisan request.

I ask unanimous consent to have printed in the RECORD a letter written to Senator COBURN from Governor Schwarzenegger. I also ask unanimous consent to have printed in the RECORD information regarding the Sacramento region.

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

STATE OF CALIFORNIA,  
OFFICE OF THE GOVERNOR,  
Sacramento, CA, May 2, 2006.

Hon. TOM COBURN,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR COBURN: I am writing regarding your proposed amendment to the supplemental appropriations bill that seeks to block additional funds needed to repair California's Central Valley levee system.

As you may know, I am working very closely with Senator Feinstein and members of the California Congressional Delegation to secure additional federal funds to share in the costs of repairing California's Central Valley levee system. The need for funding and quick action could not be more urgent and that is why I have made it my top priority to work with our State Legislature to enact a major infrastructure bond initiative that would dedicate \$2.5 billion in state funds for urgently needed levee repairs along this federally authorized flood control system.

Our work to restore structural integrity to our levee system began over a year ago. We cannot wait for a disaster to strike and must use the lessons of Katrina and act now. Prior to Katrina, New Orleans had a 250-year level of flood protection. Sacramento has a 100-year level of flood protection. This is the lowest of any major city in the United States. It is only a matter of time before there is a significant levee breach or system failure. Such an event would flood valuable farmland that produces food for the entire nation. All of Sacramento and other Central Valley towns would be flooded. According to modeling done by the City and County of Sacramento, a single levee breach would cause flooding in many areas of the City with depths over 15 feet. A flood event of this magnitude would cut off Southern California's water supply. Such an event would also cause a major economic disruption in California and across the nation. Most troubling is without action, the lives of thousands of Californians are at risk.

As you know, Senators Feinstein and Boxer have worked very closely with Chairmen Cochran and Domenici to include funds in the pending supplemental appropriations bill for certain levee and flood control im-

provements in the Sacramento region. These funds are for identified improvements that can be completed this fiscal year in federally authorized flood control projects.

I support these funds and want to assure you that this is a necessary and urgent time for Congress to act. Moreover, any investment at this time decreases the chances that Congress will have to respond in the future with another far more expensive emergency funding bill to address a widespread flood disaster in California.

I ask that you recognize this as necessary emergency funding and support this as part of the supplemental appropriations bill.

Sincerely,

ARNOLD SCHWARZENEGGER.

THE SACRAMENTO REGION IS AT GREATER RISK OF FLOODING THAN ANY OTHER MAJOR U.S. METROPOLITAN AREA—FULL FEDERAL PARTNERSHIP IS CRITICAL TO PROTECTING THIS VITAL REGION

SACRAMENTO: A REGION AT RISK

The city of Sacramento is at the confluence of two great rivers, the Sacramento and the American. And while these rivers help shape the Sacramento region's identity, they also pose a very real, very serious risk—flooding.

A catastrophic flood will devastate lives, property and the economy. Nearly a half-million residents who make the city of Sacramento their home will be impacted. That number grows to over 2.2 million people within the six-county region surrounding the city. Regionally, one million jobs will be affected by a catastrophic flood and the direct and indirect economic loss of property and economic activity could total nearly \$30 billion. The Sacramento region represents over \$73.3 billion annually in gross regional product.

A major flood in the Sacramento region will send economic shockwaves rippling throughout the region and state. These include serious impacts to principal transportation arteries such as interstates 5 and 80, railway thoroughfares, and Sacramento International Airport. This jeopardizes over \$2.6 billion in Central Valley agriculture and livestock production—a vital national resource.

The Sacramento region is a civic, commercial, healthcare and economic hub for greater California and must be protected. The Sacramento region serves as the capital of California—the world's sixth largest economy. Sacramento area levees protect nearly one million acres of farmland in the Sacramento Valley. At least 10 major hospital facilities are found within the region. In addition, the Sacramento metropolitan region serves as a "nucleus" for state and federal civic activity, providing a home to 1,300 government facilities supplying over 200,000 public sector jobs.

Given all that the city, region, state and even the nation stand to lose, it is astonishing that the Sacramento region has the lowest level of flood protection of any major U.S. metropolitan area. The 1986 high-water event demonstrated the region's population centers are extremely vulnerable. It is estimated that six hours of additional rain during that time would have led to catastrophic failure of the region's flood protection system.

Since 1986, federal, state and local interests have invested over \$400 million in levee improvements, reservoir re-operations and floodplain restoration, but critical flood protection deficits, including erosion, stability, levee heights and underseepage, still exist. These deficits prevent the Sacramento region from achieving even 100-year flood pro-

tection in many places and have made flood protection the Sacramento regional Congressional delegation's number one public safety issue.

Sacramento must achieve a minimum of 200-year flood protection immediately.

FULL FEDERAL PARTNERSHIP: A CRITICAL ELEMENT

While local and state leadership are unified in making flood protection a priority, it is essential that FY 2007 appropriations fully fund the \$89,240,000 federal share of Sacramento's authorized flood protection program. Appropriations are critical to continuing levee improvements on the Sacramento and American rivers and Folsom Dam—a necessary part of protecting the region's livelihood and achieving a minimum of 200-year flood protection.

Similarly, it is essential that federal partners support and reward state and local efforts to enhance flood protection. These efforts, which are sustained by state and local funding initiatives, should be incorporated into the traditional federal/local flood protection partnership using appropriate crediting and reimbursement arrangements. This is necessary in order to expedite project permitting, contracting, and construction activities.

Mrs. BOXER. I am going to read part of this letter. He says:

Our work to restore structural integrity to our levee system began over a year ago. We cannot wait for a disaster to strike and must use the lessons of Katrina and act now. Prior to Katrina, New Orleans had a 250-year level of flood protection.

And then the Governor says:

Sacramento has 100-year level of flood protection.

That is optimistic. Most experts tell us that it is an 85-year level. And whether it is 85 years or 100 years, it is the lowest of any major city in the U.S.

The Governor writes:

It is only a matter of time before there is a significant levee breach or system failure.

This is important for the Senator from Oklahoma to hear. I know he has been very gracious in filling me in on this and saying: I didn't go after your other items but just this one. But the fact is, this one is as important as all the rest. The Corps has told us they need these funds to move forward.

Here is what the Governor says:

Such [a flooding] event would flood valuable farmland that produces food for [our] entire nation.

I say to my friend from Oklahoma, please, listen to us, because the food supply for the entire Nation is at stake, according to Governor Schwarzenegger, Senator FEINSTEIN, myself, and a bipartisan delegation in the Congress.

The Governor says:

All of Sacramento and other Sacramento Valley towns would be flooded. According to modeling [that has been done], a single levee breach would cause flooding in many areas of the City with depths over 15 feet. A flood event of this magnitude would cut off Southern California's water supply.

I say to my friend from Oklahoma, in this body we are all equal, two Senators from every State. We have 37 million people in my State. Sacramento is a huge growth area. I will get into the

numbers in a minute. We are not talking about a few people being hurt. We are talking about a catastrophe. We are talking about farmland. We are talking about the State's water supply. About two-thirds of the water supply in the State comes from that northern area.

When my friend started, he was very nice and said he doesn't doubt the fact that the Sacramento levees are a problem, and that San Francisco has been having problems. I wrote down what he said. He said: San Francisco and the area south of there. This is the area north of San Francisco. This is Sacramento. I don't think my friend really, with all due respect, gets the intricacies of what we are dealing with here. There is a difference between north of San Francisco and south because north of San Francisco is where we have delta—again, two-thirds of the water supply of our State—the farmland and all the rest. South of San Francisco, we have Silicon Valley. That has other issues. But right now, we are talking about the Sacramento area, which is north.

The Governor goes on to talk about the economic disruption. Because we are such a large State, people say when California sneezes, the country gets a cold. It is an expression that speaks to the power of our State in terms of economic productivity. And in terms of the goods coming across into the ports of California and going all across into your State and everybody else's—this region is the bread basket. So we ask you to back off this amendment.

This is so not a partisan issue. The Governor writes:

As you know, Senators Feinstein and Boxer have worked closely with Chairmen Cochran and Domenici to include funds in the pending supplemental . . . for certain levee and flood control improvements . . .

I support these funds and want to assure you that this is a necessary and urgent time for Congress to act.

The Governor came here. He met with Senator DOMENICI and many Senators. He said:

. . . any investment at this time decreases the chances that Congress will have to respond in the future with another far more expensive emergency funding bill to address a widespread flood disaster in California.

I ask that you recognize this as a necessary emergency funding bill. Support this.

I want to show a picture. Senator FEINSTEIN showed us a version of this. They all tell a story better than I could. Here you have the Sacramento River. Here you have thousands and thousands of people. Here you have the levees, and here you have the riverbed. And what has happened, if my friend would like to take a look at this—I know he doesn't question that we need a project; he questions whether it belongs in this bill. I understand.

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

Mrs. BOXER. Yes.

Mr. COBURN. I question how we are paying for it. We are borrowing the

money from future generations to do it rather than make the hard decisions of trimming something else. That is important.

Mrs. BOXER. That is what I just said. I said the Senator doesn't oppose us doing this. He doesn't want it in this bill. That is my understanding of his position. I couldn't disagree with you more. When my friend quoted me and I said Iraq should have been in the budget, that is exactly how I feel, because we knew about it. Frankly, we didn't know about this, that we were going to have the kind of events we have had, the rain and the rain and the rain. I will go into the details of how much rain we have had compared to other years and the fact that anything can happen now.

The weather patterns are changing. When I lived in the bay area in California so many years ago, it is too long to remember, when I first came here in the 1960s, you never had rain in March, let alone April. It was dry. It was dry really from mid-February on. It has been moving forward, and we have March as one of the rainiest months and then April. We had a month this year—April—where we had rain almost every day. It is unheard of. You can see how muddy this is. You can see the breaks here in the riverbank.

I will show you another picture on the other side where there is not as much development but the same thing has occurred. These trees were on the other side of the riverbank. Look at these trees. They are now buried in the water. So if we don't go ahead with the Corps now, when the Corps tells us we need to do this now, we are going to lose this riverbank. We are going to lose the levees. And then it is too late.

My friend says he wants to save money. It reminds me of the old adage of penny wise and pound foolish. It is a colloquialism, but the fact is, you have to prevent things. This is an emergency circumstance, as the Governor said. These levees could break. Now we have a snowmelt. That snowmelt occurs, that water gets deeper, the pressure in that river increases, and the riverbank begins to disappear, leaving those levees exposed.

I wish to refer to a document put together by the Chamber of Commerce in Sacramento. It reads, "Sacramento: A Region at Risk." Cities and counties don't like to say, especially chambers of commerce, we are at risk. They don't like to say that because they want to have investment. They want people to come in. They don't go about saying: We are in danger. And when a chamber of commerce goes out and says: We are in danger—and these are Republicans mostly, and these are as conservative as my friend from Oklahoma; they know that an investment is not wasteful spending if, in fact, we are going to save money at the end of the day. How much would we have saved if we had built stronger, better levees in Louisiana? Untold, probably billions. I don't think my friend is at all a fiscal

conservative by taking away \$11 million. It is reckless. I hope and pray that my colleagues are listening to this debate and are looking at these pictures and understanding what we are talking about.

The Sacramento area faces a triple flood threat, and it faces it now. We have a confluence of two major rivers, the threat of a deteriorating flood control system, and the threat of near record precipitation this year. We are talking about 165,000 homes, nearly 500,000 residents, the State capital, and many businesses providing 200,000 jobs. It is also the hub of the six-county regional economy, providing hundreds of thousands of jobs. A major flood along the lower Sacramento or American Rivers would cripple the region's economy. I will go into that tomorrow because Senator FEINSTEIN and I each have 15 minutes in the morning. I will save some of my talk for then.

California has the world's fifth largest economy, and we are quibbling over \$11 million that the Corps says it needs to fix up these riverbanks. How outrageous, how shortsighted, how foolish. I don't understand why my friend is doing this. We talked. He feels deeply about it. I respect that. I voted with him a couple of times. I have been very careful, picking and choosing, sticking with the committee when I felt the committee was right, joining my friend. But I don't understand this one. This one is inexplicable.

The average family understands that if they have a problem with their roof, they fix it. They don't put it off. They fix it so that their home is not destroyed. It is straightforward.

Let's look at the pocket again. They call this the pocket of Sacramento; 112,000 people are at risk, and you can see clearly where this riverbank has deteriorated. On New Year's Day, Californians in the northern and central parts of our State awoke to flooding that cost the State \$200 million. We are talking about \$11 million so we can mitigate what comes next. But precipitation after January 1 has kept river levels very high, further stressing and eroding our critical flood control infrastructure.

Precipitation, including snow pack, as the snows melt, is nearly twice the normal amount, 174 percent of normal, and that is just as of last week. And the snows are just now starting to melt.

We have another threat to this area. My colleague, Senator FEINSTEIN, said it beautifully: How would we feel if we did something on this Senate floor today that turned our backs on this issue and then we had a tragedy?

We would not feel very good about it. So I am going to save the rest of my talk until tomorrow. But I am going to say to you, Mr. President, again thank you. It is very rare that we have such bipartisan cooperation in our State. This is not a Republican issue or a Democratic issue. We will have Republicans suffer if we have a problem and

we will have Democrats suffer. We are Californians united. Our Governor has recognized the crisis. He declared a state of emergency earlier this year to expedite improvement of this system.

Everything we did in this bill we cleared with the Army Corps and they say they can use this money. They need this money. They are going to move forward with these repairs. So my friend from Oklahoma can make the case every which way he wants. He can use rhetoric and say anything he wants. The bottom line is this, and I will quote Representative Dan Lungren, a Republican, who is very well respected among our Republican friends in this body. He said:

Today the Sacramento region has half the flood protection and twice the risk as did the city of New Orleans prior to Katrina. The cost of recovering from a flood-related disaster far exceeds the price of guarding against it.

Unlike other issues where we have come to the floor and it has been Republican versus Democrat, I can honestly say to you that I stand here representing a bipartisan, strong majority in my State and, hopefully, in the Senate, that says this: The 2005 hurricane season taught us some hard lessons—that we neglect shoring up eroded and damaged flood control infrastructure for major metropolitan areas at our peril.

We always say we must learn from history. We must surely learn from recent history. Sometimes we forget history that occurred way back, but we certainly should remember history from a year ago.

I urge my colleagues to vote a resounding no on this Coburn amendment and to take a stand for innocent people in this valley, in this area, these farmlands, these farmers, and the economy, and don't take out \$11 million that could do so much good to restore these banks.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, the arguments that have been made by the Senators from California, in terms of needing to fix things, are probably accurate. But I am sitting here thinking to myself, if it would take only \$11 million to take care of this, and to know that the earliest this money is going to be there is 8 weeks, if I were Governor of California, I would find \$11 million. I would get that tomorrow. If it is not going to get done tomorrow, we ought to be asking why not, if the threat is that great and it imperils that much of the economy and that many people.

I still raise the same questions. I am not denying this needs to get done. I am denying how we pay for it. We are not making the hard choices to cut something else out of the bill to pay for this because it is a higher priority. No, what we are doing is taking the money from future generations because we refuse to make those hard choices.

That is what it is all about. We could have reprogrammed money within the Corps to get this done. The Governor could ask the legislature for \$11 million to get this done starting tomorrow. If there are 29 sites, what we do know about the Corps is it doesn't do anything fast. In this project, we know what they have done over the last 46 years has not been sufficient because they are having these problems. We will finish the debate tomorrow morning. The point is, I don't deny that this needs to get done. If it is the case that has been made by the Senators from California, then why hasn't it already been done? If there is this impending emergency, why hasn't California ponied up to put up the \$11 million that is so desperately needed right now to pay for it, rather than asking the rest of the country's children and grandchildren? If this bill had come to the floor paid for, I would not be out here. But it is not paid for. We are going to go write the bills and bonds to pay for this \$11 million. Maybe that is what we should do. Maybe that is the priority we should have. But I would think that the rest of the American people ought to say, where are you getting the money?

We are not making hard choices. We are passing it down the line. I agree if something were to happen, the cost would be much greater. I am a physician and I believe in prevention. That is what this debate is all about, preventing America from becoming a second-rate economy because we refuse to make hard decisions here on how we spend money. That is what this is about. I don't deny the desire to address this issue. That doesn't have anything to do with it. But if it is an emergency as described at the present time, why doesn't California fix it? Why hasn't California ponied up the \$11 million, which is a small amount there. It is the fifth largest economy in the world. They can come up with \$11 million.

Mrs. BOXER. Will the Senator yield?  
Mr. COBURN. Yes.

Mrs. BOXER. Does the Senator not know that this is a federally authorized project? Is the Senator unaware of that?

Mr. COBURN. I understand that.

Mrs. BOXER. Cost sharing goes along with this project just as with every other project. So for the Senator to stand up and suggest that we don't pay into this project is simply false.

Mr. COBURN. Reclaiming my time, since it is a question, this isn't about whether you pay your share. It is about whether it is an emergency. If it is an emergency, then why wasn't it done last time? Why are we going back—why isn't a Corps that spent 46 years doing this project going back to repair what they didn't do right in the first place?

I am going back to the main point and then I am through. I will talk again in the morning. Where is the money coming from? Had the money been paid for, I would not be out here.

But the money isn't paid for. It is borrowed. So when you take \$10.9 million, take your calculator out and put it at 30 years and amortize it at 6 percent, you will come up to about \$55 million. That is what we are actually going to pay to do this \$10.9 million because we are borrowing the money. That is my point. I am not against doing it, not against getting it done, against prevention. What I am against is borrowing the money against the future of this country because we refuse to make the hard choices.

With that, I yield the floor.

Mrs. BOXER. Mr. President, I cannot allow certain things that were said to go unchallenged. My friend says this is not about paying your share, after he said it was about that. He made a big point, why doesn't California do something? Of course, we are doing something. We abide by the law. I have to say to my friend, if something happens in California, a bread basket of this country in many ways, there is going to be suffering throughout this country. If something happens to this economy, let alone the 112,000 people who live in this pocket, this particular amendment will put them at greater risk.

My friend says he believes in prevention. He is a doctor. I am sure he does and I am sure he does a wonderful job at that. But he doesn't believe in prevention right now, I will tell you that. Because that is what Senator FEINSTEIN, Governor Schwarzenegger, and both Democratic candidates for Governor—everybody agrees this has to be done. This is a Federal project. This is not a State project. This is a Federal project with a State share. The Army Corps has a responsibility which they have stepped up to the plate to do, and they told us they need these funds. As far as not paying for this, we know that emergencies get special treatment around here because they are emergencies. My friend says, why is this an emergency? Take a look at this. This isn't the way a river is supposed to look, the way a riverbank is supposed to look. This isn't the way a tree that was on the land is supposed to look, when it was on the other side of the riverbank. When you get the second highest predicted snow pack melt known to the history since they started taking down the record, in the history of California, yes, you have an emergency.

I know my friend from Oklahoma left the floor. I hope he joins me in a pay-as-you-go budget because I have voted for that every year. Frankly, right before the Bush administration, we had surpluses. Now we have deficits. I will admit that. I support pay-as-you-go budgeting. I have voted for it. We can talk about that another day. But this is a true emergency, just as I believe funding the veterans home in Mississippi was, which I was sorry I didn't get a chance to vote on. I listened to the debate. I could hardly believe my ears that the Senator from Oklahoma

was objecting to making sure that our veterans, elderly veterans, could go home. What is wrong? Something is wrong here with these debates. I don't know where the heart is, where the soul is. I don't know where the common sense is.

I pray and hope that tomorrow, come morning, we are able to get the votes to keep this funding in the supplemental. Again, I thank Senator COCHRAN. I thank the Chair for his patience.

I yield the floor.

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

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the pending amendment be set aside.

Mr. ENSIGN. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I want to reiterate my motion simply to have an opportunity to offer an amendment. I think it is an emergency, and it is a moral imperative to deal with the issue in Darfur, Sudan. So I hope the mere opportunity to have a debate on the floor of the Senate would be allowed.

I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection? The Senator from Nevada

Mr. ENSIGN. Reserving the right to object, I support the Senator from New Jersey. I support the intent of his amendment and realize there is a severe emergency in Darfur about which many of us feel strongly, and we need to do something there. During consideration of this bill, we have been trying to hold the line on spending, to reprioritize. If there is something else the Senator can offer as an offset for this increase in spending, I would be more than happy to let the amendment be debated and voted on. But without an offset, I object.

The PRESIDING OFFICER. Objection is heard. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I say to my distinguished colleague, if I may, that we have talked with both the chairman's staff and with others who express the view that this is a moral imperative and have suggested offsets, none of which have been accepted. So it is very difficult to have a position in which we all agree there is a moral imperative to act and then we reject every offset that is proposed.

Understanding the Senator's concern, but also understanding that genocide does not have an offset to it, I once again ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. Objection.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

Mr. MENENDEZ. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard. The Senator from New Jersey.

Mr. MENENDEZ. If I may ask the Presiding Officer a parliamentary question: If we were to proceed to the Senator's unanimous consent request, would that obviate the ability to offer an amendment during that time period?

The PRESIDING OFFICER. It would.

Mr. MENENDEZ. Then I have to object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will 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?

Mr. ENSIGN. Reserving the right to object, what I understand is that the Senator from New Jersey is going to send an amendment to the desk that has an offset for the funding for Darfur, and with that as a modification to the unanimous consent request, I will not object.

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

#### AMENDMENT NO. 3777, AS MODIFIED

Mr. MENENDEZ. Mr. President, I call up my amendment that is at the desk with a modification and ask unanimous consent that it be considered at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment, as modified.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself, Mr. LEAHY, Mr. DURBIN, Mr. SARBANES, Mr. LAUTENBERG, Mr. DODD, and Mr. OBAMA, proposes an amendment numbered 3777, as modified.

The amendment is as follows:

On page 89, line 9, strike "\$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 1006."

and insert in lieu thereof "\$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 Congress), the concurrent resolution on the budget for fiscal year 2006."

SEC.—Notwithstanding any other provision of this Act, the amount provided for "Diplomatic and Consular Programs" shall be \$1,392,600,000.

Mr. MENENDEZ. Mr. President, last Sunday, thousands of Americans gathered here in Washington, DC, and in other cities across the country to focus our attention on the horrific acts being committed a world away in Darfur, Sudan. But it wasn't a gathering of the powerful, although politicians and celebrities were there. It was a gathering of the American community—of high school students, of members of synagogues and colleges, of churches, of people of all races, ethnicities, and religions. In fact, the movement to stop genocide in Darfur has been led by some of the youngest in our society.

In New Jersey, students in middle schools have raised funds for refugees. Young people at colleges have led the movement to divest from Sudan. They are not the leaders of the future; they are the leaders of today.

I know that as I stand here calling for action, I am not alone. In my home State of New Jersey, high school students started a nonprofit organization called Help Darfur Now which raises awareness and funds for the refugees in the Sudan.

Newark, NJ, is the headquarters of the Darfur Rehabilitation Project, a national group started by the Sudanese people living in the United States who lobby for humanitarian aid, intervention, and conflict resolution in the Sudan. And across the country, Americans are signing petitions, participating in marches, holding townhall events and contacting their elected officials to demand that the dire needs of the Darfuri people be addressed. It seems to me as representatives of the people, it is our job to act.

Here in Congress, many of our fellow colleagues in the Senate and in the House of Representatives have led the fight for real action to address the genocide in Darfur, and I certainly salute them for their hard work.

When we talk about genocide, it seems to me it is almost impossible for any of us to take the intellectual understanding of what that means: the number of people killed, over what period of time, and for what reason, and to comprehend the dimensions of such atrocities.

The truth is that each of the estimated 200,000 to 400,000 people murdered in Darfur was a father, a mother, a sister, a daughter, or son slaughtered by their own countrymen whose ethnic makeup and religion was similar to their own. Each of these people has a family who mourns them and a community that lost them.

Many of us here cannot imagine what life is like for the at least 2 million

who have been displaced in this conflict. Those who have survived have the scars of watching their relatives and neighbors murdered, raped, and subjected to other horrors we cannot imagine.

For the hundreds of thousands of people who fled to Chad, the terror continues as they face new attacks in this expanding conflict. Samantha Power, who is a Pulitzer Prize winning expert on genocide, has pointed out that many women face the essence of a Sophie's choice: They can either leave their villages and camps to gather firewood, facing the likelihood of rape or attack by the jingawit, or starve inside the camp.

It is in this dire context that the World Food Program announced that it would be forced to cut the rations to feed those who are affected by the conflict in Darfur. This means people already facing a humanitarian crisis will now only receive half of the recommended level of calories per day. Even worse are reports that at least 200,000 people have been displaced since January, and that many of those cannot be reached or helped by aid agencies.

A recent article in the New York Times quoted one senior humanitarian aid official as saying:

The situation for humanitarian workers and the United Nations has never been as bad as it is now. The space for us to work is just getting smaller and smaller.

Not surprisingly, the Sudanese Government, which is supporting the groups that conduct this campaign of death and destruction, continues to hinder any attempts by the international community to assess the situation and provide aid to the millions of refugees. Just this month, the Sudanese Government denied entry into the country to Mr. Jan Egeland, a top U.N. official on humanitarian issues. Last week, Sudan refused to grant visas to officials who intended to conduct a U.N. military assessment on planning a peacekeeping operation in Darfur.

So in a region the size of Texas, 7,000 African Union troops have been put in place to protect the people of Darfur. While I believe the African Union force is better than nothing, their troop numbers are clearly too small. They are underfunded, underequipped, and lack a mandate to protect civilians. I agree with many of the experts who have said that we need to at least triple the size of the African Union force as a bridge until we can get a U.N. force operational in Darfur. I also think the President and others have the right idea of using NATO forces to provide logistical support while letting countries with Muslim populations take the lead on the ground.

Of course, we face some obstacles to getting a U.N. force into the Sudan and controlling the situation. First, the Chinese continuously stand in the way of the United Nations. Let's make it simple: The Chinese buy oil from the Sudanese, and they don't want to stop.

In fact, China, because of its rule that it doesn't involve itself in any way in the domestic affairs of other countries, has no problem buying oil from a government committing genocide in the Sudan. Then there is the issue of Osama bin Laden, who has denounced the idea of U.N. troops and in his most recent audiotape broadcast called on Muslims to fight such a force.

In the past, some steps have been taken on the part of the United States and the international community to address the crisis in Darfur, but the violence continues. Congress has appropriated funds for African Union peacekeeping, food aid, and support for refugees. The United Nations Security Council has passed various resolutions raising concerns about war crimes committed in Darfur. The Government of Sudan and the two rebel groups involved are now in negotiations, and I know that Deputy Secretary of State Zoellick is there now trying to reach a final agreement with the rebels. Yet, despite all of these measures, the sad truth remains that the people of Darfur face a bleak future of uncertainty, suffering, and death. It is time that we take additional action to stop the genocide in the Sudan.

That is why this amendment that I have had other colleagues join me in would provide \$60 million to support U.N. peacekeeping in Darfur. I certainly wish to thank the cosponsors of this amendment—Senators LEAHY, DURBIN, SARBANES, DODD, OBAMA, LAUTENBERG, WYDEN, and STABENOW—for their support and for their efforts.

The African Union troops in Darfur are clearly overwhelmed by the challenge at hand. This amendment would provide critical funding to equip international troops and restore law and order to the region of Darfur. Although the intervention of U.N. troops has not been authorized, this amendment would assure that when it is accomplished, the money is there, and it will increase pressure on the African Union, the Khartoum Government, and the international community to make sure that a U.N. force is put in place in Darfur.

For those who would question the amount—even though it is now offset—proposed in this amendment, I would like to point out that my amendment adds the same level of funding to the Contributions for International Peacekeeping account that has already been approved in the House supplemental appropriations bill. There is no other way to get these funds to protect the people of Darfur. They are not in the current funds appropriated for fiscal year 2006. I think we can all agree that genocide in Darfur constitutes an emergency—an emergency to which this body has a moral obligation to respond.

Genocide is not a new phenomenon. We have witnessed this hatred and inhumanity many times over the past century. After the world learned the horrors of the Holocaust, America and

the international community vowed: Never again. Never again. After we saw the gruesome slaughter of approximately 800,000 Tutsis in less than 100 days in Rwanda, we swore: Never again. Never again, however, is an empty promise—it is an empty promise—if we do not take action to stop the murder of innocent people when we know it is happening.

Once again we find ourselves in a position to make that choice, and history is going to judge what we do—not what we say about never again but what we do when we have the power to do it. For even as I stand here today, I know the number of dead and displaced persons in Darfur continues to grow. Genocide is not Sudan's problem, it is not Africa's problem, it is the world's problem. It is our problem. And by failing to take part in the solution, we have become part of the problem. As Americans and as human beings, we have a moral obligation to help those who are suffering the consequences of genocide and who cannot help themselves. Now is not the time to forget that obligation, and history will judge us by the actions we take or fail to take in the next days as we move forward on this amendment.

Jan Egeland, one of the top U.N. humanitarian officials, has said, "Africa is the biggest drama of our time; nowhere else in the world are so many lives at stake as in Africa." Now is the time to act.

Some people might say that the fiscal 2007 budget proposal allocates sufficient funds to help the people of the Sudan. I would say you cannot put a price on human lives. Genocide is not a horror of the past; it is the reality, unfortunately, of the present. It is an emergency we must face today. The \$60 million this amendment offers will help put an end to the senseless murder and displacement of the people of Darfur. If American lives were at stake, I am certain we would find the money to act. I hope we have both the humanity and the commitment to say "never again," to make sure that we do so in this case. Simon Wiesenthal said, "For evil to flourish, it only requires good men to do nothing." Let us act now to put an end to this evil.

I hope my colleagues will see that in the face of genocide, this is money well spent. I certainly hope we are permitted to respond to a moral imperative because history will judge each and every one of us for how we act in the face of the genocide going on in Darfur and in the Sudan. I hope that when it comes time for a vote on this amendment, the chairman will actually be able to accept the amendment as offset as it is now. I find it sometimes difficult to hear that we have a moral imperative, that we say "never again," and yet we put up roadblocks for fulfilling and responding to that moral imperative, and when we offer solutions to it, there are those who do not like the solution of offsets.

The bottom line is, if it were one of us—if it were one of us—thank God we

live in the greatest country in the world, and it is not, but if it were one of us, if it were our family suffering the slaughter, would we be content with the councils of patience and delay? I daresay the answer is no. That is why I feel so passionately that we have an opportunity to fulfill the commitment to say "never again."

Mr. President, I yield the floor.

Ms. STABENOW. Mr. President.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank my colleague, Senator MENENDEZ, for his eloquent statement and for sponsoring this incredibly important amendment. I am proud to be a cosponsor with him and a number of my colleagues. It is incredibly important that we act and that we act now.

As Senator MENENDEZ described his amendment, it would add \$60 million to address the shortfall in the U.S. contribution to the United Nations for international peacekeeping and to fund a U.N. peacekeeping force in Darfur.

The situation in Darfur is alarming, and it is a true emergency. In fact, words can't describe how much of an emergency this is. Approximately 3.5 million men, women, and children in the western Darfur region of the Sudan are in a fight for their lives against the Sudanese Government-sponsored campaign of violence and forced starvation. Since the conflict began in February of 2003, recent estimates are that there are as many as 400,000—400,000—Sudanese people who have died, and more than 2 million who have been displaced. By some estimates, 500 people perish every day in Darfur. Five hundred people perished today, if those estimates are correct, 500 more will die tomorrow, and 500 more will die the next day. If this is not genocide, I don't know what is, and we must act to stop it as soon as possible.

The United States has taken the lead in the international community to provide humanitarian aid and to support the African Union peacekeeping mission in Darfur. However, we must do more. Clearly we have not done what we should and we have not done it fast enough if 500 people are dying every day.

We must ensure that our contribution to the United Nations Contributions for International Peacekeeping Activities account is paid in full so that we are credible when we support a U.N. peacekeeping mission in Darfur. This amendment helps make that possible. We must also apply pressure to the Sudanese Government so that they take action to stop the killing or face the consequences of their actions. We must not sit idly by any longer as people die from a coordinated government-sponsored campaign of violence and forced starvation.

I am also proud to be a cosponsor of the Darfur Peace and Accountability Act which calls for assistance to the African Union peacekeepers and urges the President to press for NATO sup-

port of the peacekeeping mission. I am hopeful that the House and Senate will soon—very soon—resolve the differences between the versions of the bill and send it to the President for his signature as soon as possible. Millions of men, women, and children are waiting and praying for us to act and to act now.

I am proud to join with Senator MENENDEZ and with colleagues on both sides of the aisle in this critical funding amendment regarding the U.N. peacekeeping mission to put an end to the genocide and bring peace to the people of Darfur. This is an opportunity for all of us together to do something that will address literally the lives of people who have no one else to turn to but those of us who understand what is going on and have the ability to act.

So on behalf of the human race, I urge this amendment and other actions be taken as soon as possible. We must act, and we must act now.

Mr. President, I yield the floor.

#### BIOMETRICS

Mr. BYRD. Mr. President, the committee report accompanying the fiscal year 2006 Iraq/Katrina supplemental appropriations bill includes the following provision: "The Committee is aware that the Defense Science Board is studying the management of the Department of Defense's biometrics program and will make recommendations on whether or not the current structure is meeting the needs of the warfighters dependent on the system in Iraq and in the Global War on Terror. The Committee directs no management changes be made until the Defense Science Board completes its study and informs the Congress of its recommendation."

Would it be the understanding of the Senator from Hawaii that any new or ongoing organization, personnel, or management changes within the Army, to include the Biometrics Fusion Center, be ceased until the Defense Science Board report is complete and briefed to Congress?

Mr. INOUE. Mr. President, that would be my understanding.

Mr. BYRD. Does the Senator also agree that until the Defense Science Board, DSB, study is complete and briefed to Congress, the Biometrics Fusion Center should continue to execute its mission to acquire, test, evaluate, and integrate biometrics, as well as to develop and implement storage methods for biometrics templates?

Mr. INOUE. I do agree with the distinguished ranking member of the full committee. He has accurately clarified this matter.

Mr. BYRD. I thank my distinguished colleague for his comments.

#### EMERGENCY CONSERVATION PROGRAM

Mr. DOMENICI. As the Senate is aware, the Southwestern United States has been devastated by a severe drought which has resulted in numerous deleterious effects to that part of the country.

New Mexico's neighbor to the east, Texas, has lost 5,000 head of cattle, 5,500 miles of fence, and 4.9 million acres have burned due to recent wildfires. Severe drought also exists in New Mexico, which is currently facing one of its worst droughts in the past 125 years. It is anticipated that great hardship will result in New Mexico as a result of this drought. These conditions require emergency measures be undertaken in both States.

Although the Appropriations Committee is silent on the intent of the appropriation to the Emergency Conservation Program, ECP, within the Department of Agriculture, it is my understanding that of the \$17 million made available to the ECP in this legislation, \$12 million is to be provided to the State of Texas and \$5 million is to be provided to the State of New Mexico. The amendment did not originally include ECP funding, so I want to especially thank Senator HUTCHISON for her leadership in requesting that these funds be included for ECP.

Mr. BENNETT. I appreciate the concerns of the distinguished senior Senator from New Mexico regarding the ECP provision contained in title III of this legislation. The Senator's understanding of the intent of the ECP appropriation is correct.

Mrs. HUTCHISON. I, too, concur with this assumption with Mr. BENNETT and Mr. DOMENICI. I appreciate their support and work on this important provision.

Mr. DOMENICI. I thank the distinguished Senator from Utah, Mr. BENNETT, and the distinguished Senator from Texas, Mrs. HUTCHISON for their consideration and explanation of this important matter.

Mr. LIEBERMAN. Mr. President, Senator BROWNBACK and I wanted to tell you about our amendment 3741 and the progress we are making on one key aspect of the avian flu preparedness front. As we speak, the HHS and USAID are collaborating to administer the global avian influenza network for surveillance—GAINS program. GAINS is a smart and targeted investment in the USG's fight against avian flu since wild birds can carry the deadly disease and thus have the potential to spread it. HHS and USAID have invested \$6 million from fiscal year 2006 avian flu supplemental appropriations to establish GAINS. GAINS will require another \$4 million to complete and \$10 million for fiscal year 2007. Senator BROWNBACK and I are pleased to see that the health appropriations committee, led by Senators SPECTER and HARKIN, is helping to allocate \$200 million in part to carry out global and domestic surveillance to undertake activities of this sort. Our amendment doesn't add more money to the avian flu supplemental, but it makes clear HHS's commitment to GAINS, which we applaud.

GAINS will systematically test and monitor wild birds, captive wild birds, and birds in the wildlife/pet trade to

identify which viral strains they carry, to share the virus samples in order to continually update vaccine production options, and to disseminate lab results on a public electronic database utilizing a user-friendly mapping system. Major flyways will be monitored including those running north-south through the Americas.

GAINS is a global surveillance program supported by an international network including conservation organizations, bird groups, the poultry industry, vaccine developers, and academic institutions representing more than 5 million members.

With HHS and USAID's leadership, the Wildlife Conservation Society's, WCS presence in 56 countries around the world, and the presence of its global partners, GAINS has a presence in virtually every key country related to avian influenza. Data shared among these partners in the GAINS network will deliver real-time data on viral strains carried by wild birds.

Additional funds for international Western Hemisphere work are welcome but must be integrated with the existing GAINS system. Parallel efforts waste limited resources. Like intelligence data, disease surveillance data must be shared to be effective in preventing the enemy—avian influenza in this case—from progressing. The USG should not fund the creation of separate international wild bird surveillance programs. Instead, these programs must work together.

GAINS is a sensible approach to gather scientific data for the public domain in as close to real time as possible to combat a looming public health emergency.

#### AMENDMENT 3775

Mr. HARKIN. Mr. President, more than 3 years into the Iraq war, we have had report after report documenting rampant corruption and profiteering on the part of defense contractors, as well as lax oversight by government officials. A major reason why this is continuing largely unchecked is that the Department of Justice has been systematically delaying whistleblower law suits brought under the False Claims Act. Earlier today, I filed an amendment designed to break this logjam by requiring the Department of Justice to allow these cases to go forward after a maximum 1-year review period. I am pleased that Senator JOHNSON is cosponsoring this amendment.

The cost of the wars in Iraq and Afghanistan has risen dramatically in each of the last 3 years. The Congressional Research Service reports that we are now spending \$10 billion a month in Iraq, alone. One reason for these runaway costs is the widespread corruption in the contracting process: shoddy work, nonwork, stealing, fraud, kick-backs, bribes, insider dealings, inflated billings, and on and on.

The waste of billions of dollars in taxpayer money is bad enough. But this widespread corruption is also impeding our war effort, slowing recon-

struction efforts, and denying our troops in the field the quality support and equipment that they deserve.

The single most important tool that American taxpayers can use to recover funds stolen through fraud by U.S. contractors is the False Claims Act. Indeed, thanks to this law, more than \$17 billion has been recovered on behalf of the American taxpayer. Under the False Claims Act, whistleblowers are given a powerful incentive to come forward and expose instances of fraud. The statute allows them to sue contractors suspected of defrauding the government, and then to keep a portion of the recovered funds as a reward.

But there is a problem—a big problem. Scores of lawsuits have been brought against contractors suspected of fraud in Iraq and Afghanistan, including Halliburton subsidiary Kellogg Brown and Root. But the Department of Justice has allowed only one of those suits to go forward in the courts; that lawsuit resulted in a major recovery of fraudulently collected payments. For reasons that I cannot fathom, the Department of Justice is systematically delaying these law suits and preventing the recovery of perhaps billions of dollars in taxpayer money.

Cases filed under the False Claims Act are automatically sealed. They cannot go to trial—in fact, they cannot even be publicly disclosed—until the Department of Justice makes a decision about whether to join them. Under the statute, these decisions are supposed to be made within 60 days. But, with just one exception, the Department of Justice has refused to take a position on any of the suits related to Iraq and Afghanistan, some of which were filed more than 3 years ago. Instead, the Department has repeatedly filed for and received indefinite extensions of seal.

As a result, with one exception, every single whistleblower lawsuit has been effectively blocked by the Department of Justice. Fraud has gone unpunished. Billions of taxpayer dollars continue to be squandered in Iraq, Afghanistan, and elsewhere. And courageous whistleblowers, who have come forward often at great personal risk, have been left in a legal limbo. As one attorney put it: “The Bush administration has made a conscious decision to sweep the cases under the rug for as long as possible. And the more bad news that comes out of Iraq, the more motivation they have to do so.”

This situation is unacceptable. My amendment would prevent the Department of Justice from imposing undue secrecy on false claim civil actions related to government spending on Iraq and Afghanistan by simply requiring the Department of Justice to make a decision about joining such cases within 1 year, or 4 months in the case of cases that have already been filed. There will be protections against the release of information that could be detrimental to national security. But, after the 1-year period, the allegations

will become public and the case will proceed.

A 1-year time period will provide the Department of Justice ample opportunity to conduct a full investigation into the underlying allegations of fraud, and to decide whether to join the suit. In addition, my amendment allows the administration to seek additional extensions to keep a case sealed upon a showing of extraordinary circumstances. And nothing prevents the Department of Justice from joining a case at a later date.

As a matter of good faith to our troops and to the American taxpayer, we need to move aggressively against corruption and war profiteering in Iraq, Afghanistan, and elsewhere.

Stuart Bowen, the Special Inspector General for Iraq Reconstruction, has issued a number of reports on waste and fraud in Iraq. He reported that the Coalition Provisional Authority failed to account for the expenditure of nearly \$9 billion in taxpayer funds. The money simply disappeared into a black hole. More recently, he reported on a case of fraud uncovered in the Iraqi city of Hillah. Here's how the Special Inspector General described it to the Wall Street Journal: “There was no oversight anywhere near the [perpetrators] at any time, and they did not believe they would be caught. They considered it a free-fraud zone.”

The Hillah fraud, alone, cost taxpayers nearly \$100 million. And this is just the tip of the iceberg, as reports of fraud continue to pour in. The inspector general's own Hotline, which has been in operation a little more than 2 years, had received 449 cases of fraud, waste, abuse, mismanagement, and reprisal in Iraq as of January 30. Instead of delaying the prosecution of fraud under the False Claims Act, the Department of Justice should be leading the charge to criminals and war profiteers to justice.

I commend our colleague, the junior Senator from North Dakota, Mr. DORGAN, for chairing a Democratic Policy Committee hearing in February 2005 on the issue of waste, fraud, and abuse in Iraq. He heard testimony from Alan Grayson, an attorney who represented whistleblowers in the one and only case allowed by the Department of Justice to go forward under the False Claims Act. Mr. Grayson described what happened to one of those whistleblowers, a former FBI agent, who refused to go along with the fraud. Said Mr. Grayson: “He was held at gunpoint, stripped of his weapons and security identification, and then he was released defenseless on the streets of Baghdad.”

Waste, fraud, and abuse are a fact of life in any war. But in past wars, we have had aggressive oversight by congressional investigative committees. During World War II, the Truman Commission worked relentlessly to root out corruption and war profiteering—a Democratic Senator investigating a Democratic administration. Senator Truman denounced war profiteering as

“treason”—and he was exactly right; it is treason and a betrayal of the troops in the field.

Unfortunately, in the current wars in Iraq and Afghanistan, there has been only negligible congressional oversight and investigation of war profiteering. That leaves the False Claims Act as the last best hope for taxpayers to recover, yet the Department of Justice has systematically delayed lawsuits brought under the act.

My amendment will directly address this latter problem. By all means, the Department of Justice should have ample time to review cases brought under the False Claims Act. But after a maximum of 1 year, those cases should be allowed to go forward in the courts so that justice is served.

This is a strictly nonpartisan amendment. It is all about protecting taxpayer dollars and ensuring that our troops in the field are not put at risk because of corrupt contractors. I urge my colleagues to support this amendment.

#### MORNING BUSINESS

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

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

#### RECOGNITION OF MERVIN IVERSON ELEMENTARY SPACE DAY DESIGN CHALLENGE TEAM

Mr. REID. Mr. President, I rise today to congratulate Shane Buckley, Brett Hyde, and Luis Rangel of Mervin Iverson Elementary School on their selection as a Stellar Design Challenges team for Space Day 2006. I also want to recognize their teacher, Katheryn Grimes, for her outstanding leadership and guidance of the team.

Space Day is an international celebration of the achievements and opportunities in space exploration aimed at inspiring students to pursue careers in science, technology, engineering, and mathematics. It reaches hundreds of thousands of teachers and millions of students around the world. Past events in support of Space Day have taken place in over 25 countries on 6 continents.

Created by the Challenger Center for Space Science Education, Space Day Design Challenges is a national competition that encourages students to create innovative solutions to the challenges of space exploration. The 21 Stellar Design Challenges teams were selected from more than 259 teams who participated in the competition, making these students' work even more impressive.

The Mervin Iverson Elementary School team designed a tool to help researchers on Mars. The remotely operated tool would collect samples of

rock, minerals, and soil, analyze their chemical compositions, measure temperatures of the Martian surface, and relay this data back to Earth.

In honor of their achievements, the Iverson students will attend the national Space Day 2006 ceremony at NASA's Goddard Space Flight Center and meet former Senator John Glenn. They will also have the opportunity to share their knowledge by displaying their project to more than 2,000 sixth graders from the Washington, DC area.

Their success is reflective of their hard work, dedication, and creativity as well as Mervin Iverson Elementary School's strong commitment to academic excellence. Please join me in honoring Mervin Iverson Elementary School and its Stellar Design Challenges team on this extraordinary accomplishment.

#### HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS GEORGE RONALD ROEHL, JR.

Mr. GREGG. Mr. President, I rise today with a heavy heart and a deep sense of gratitude to pay tribute to a brave young man, PFC George Ronald Roehl, Jr., of Manchester, NH, for his service and his supreme sacrifice for his country.

George was born on January 24, 1985, in Manchester, NH. He graduated from Franklin High School, Franklin, NH, in 2003 and entered the United States Army on November 2, 2004. He subsequently graduated from basic combat training and advanced individual training at Ft. Knox, KY, and was assigned to Bravo Troop, 7th Squadron, 10th Cavalry, 1st Brigade, 4th Infantry Division at Ft. Hood, TX, where he served as a Scout dismount.

George, the oldest of five children, risked everything to fight for the values we Americans hold dear, in a country halfway around the world. Tragically, on April 11, 2006, this courageous young soldier and two of his comrades died as a result of injuries sustained in Taji, Iraq when an improvised explosive device detonated near their Bradley Fighting Vehicle and they subsequently came under small arms fire during combat operations. His awards and decorations include the Bronze Star Medal, the Purple Heart, the Army Good Conduct Medal, the National Defense Service Medal, the Iraq Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, and the Combat Action Badge.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Baghdad—and George served in that fine tradition. Daniel Webster said, “God grants liberty only to those who love it, and are always ready to guard and defend it.” George was one of those proud and dedicated volunteers who believed in fighting for our country and guarding our precious liberty, and for that we will always owe our sincere gratitude.

My condolences and prayers go out to George's family, and I offer them my deepest sympathies. Family, friends, and fellow soldiers will no longer be able to enjoy the company of PFC George R. Roehl, Jr. Yet memories of this young patriot will last forever with those who were fortunate enough to have had the opportunity to know him. He realized a calling and chose to employ his youthful energy and considerable talents for his country. He understood that the freedoms and opportunities provided by this Nation need continuous defense and that they are among the most precious gifts he can give to his family and loved ones. Because of him, the safety and liberty of each and every American is more secure. May God bless George Ronald Roehl, Jr.

#### 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 April 2006 the beatings of two gay men in separate attacks took place in northeast Fort Lauderdale, FL. The first attack involved a gay man who was riding his bicycle. When he passed a man on the sidewalk, the man yelled a gay slur and then beat him. Minutes after the first attack a group of men forced a gay man into their car, took him to a local park, then beat and robbed him. According to reports, both attacks appear to have been motivated by the victim's sexual orientation.

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

#### ADDITIONAL STATEMENTS

#### RECOGNITION OF A DUAL CELEBRATION FOR THE CITY OF KERMAN

• Mrs. BOXER. Mr. President, I rise to recognize a dual celebration for the city of Kerman, CA. This year marks the 100th anniversary of Kerman as a city in Fresno County and also the 60th anniversary of its incorporation as an official city.

In 1891, the Southern Pacific Railroad Company constructed a new line between Tracy and Fresno. A nondescript watering tank and pump along

that line was given the name Collis as a tribute to Collis P. Huntington, a member of the famed "Big Four" of western railroading. The first inhabitant, the caretaker of the pump and tank, resigned his job after just a few months, not because of the demands of the job but, rather, because the area was too desolate and barren.

As a speculative venture, the Bank of California purchased a large tract of land in every county in California. The arid land around what became Kerman was chosen as the allotment for Fresno County. After the death of its promoter, the once prominent bank became insolvent and its holdings were liquidated. In 1910, the property in Fresno County caught the attention of two Los Angeles capitalists, William G. Kerckoff and Jacob Mansar, who saw the tract as an opportunity to purchase a rich water supply from the newly constructed Enterprise Canal. Mr. Kerckoff and Mr. Mansar combined the first three letters of their names and renamed the area "Kerman."

Since its incorporation in 1946, Kerman has experienced steady growth while retaining its identity and character as a predominately agrarian community. Today, Kerman has joined with other thriving cities on the west side of Fresno County along the Interstate 5 corridor by reaching out to industry through the development of an industrial park.

From a remote outpost that was once deemed too isolated for a watering tank operator to one of the fastest growing cities in Fresno County, the city of Kerman has served as a shining example to the importance of agriculture in California and also to the virtues of community spirit and diversity.

As the residents of Kerman continue to work together to make their city a better place to call home, I congratulate them on their auspicious dual landmark anniversaries and wish them continued success and good fortune.●

#### HONORING MANUEL PORTILLO

● Mrs. BOXER. Mr. President, I rise today to honor a remarkable citizen of my home State of California, Mr. Manuel Portillo, as National City dedicates the Casa de Salud Manuel Portillo Youth Center in his honor.

Throughout his lifetime, Mr. Portillo has played an exemplary role in empowering and improving the lives of children and young adults throughout the San Diego community. His tireless efforts to improve his beloved community and his selfless service to our Nation has made a tangible difference for countless people. The will and vision of Mr. Portillo serves as an inspiration to us all.

Born in 1920, Mr. Portillo rose from humble beginnings to become a leader in the San Diego community. As a youth, he developed a passion for the sport of boxing that he still enjoys today. At age 12, he was earning 25

cents an hour picking celery, yet the strength of character for which he has come to be known was only just beginning to emerge. By 17, Portillo was working for the Civilian Conservation Corps, helping develop bridges and campgrounds, many of which are still in use today throughout the State, including in Yosemite National Park.

In 1942, only 30 days after being married, Portillo was drafted by the U.S. Army and sent to join the Allied struggle in Europe during the height of World War II. While serving in the Army, Portillo honed his boxing skills to a fine art and often challenged his fellow soldiers. Portillo returned to National City after being honorably discharged and after receiving four bronze service stars as a Sergeant in Company A 378th Infantry.

After returning home, Portillo dedicated himself to improving his community by establishing positive programs for otherwise troubled neighborhood youth. He was able to keep many of these kids off the streets and out of trouble by teaching them the sport of boxing. With an emphasis on sportsmanship and discipline, Portillo has made a positive impact in the lives of countless children and young adults. His success inspired the creation of the Casa Knight, the Casa Men's Club, Santos and Peewees for boys, and the Knightetts. These recreational groups have become fundamental vehicles for social mobility, encouraging positive self-image and motivation in both an extracurricular and academic capacity.

It is with great pleasure that I commend Manuel Portillo for his passionate commitment to helping others and tireless efforts to improve the broader San Diego community. I wish him great success in the future.●

#### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Banking, Housing, and Urban Affairs.

(The nomination received today is printed at the end of the Senate proceedings.)

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2700. A bill to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes.

#### ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on April 27, 2006, she had presented

to the President of the United States the following enrolled bill and joint resolution:

S. 592. An act to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska.

S.J. Res. 28. Joint resolution approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

#### 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-6598. A communication from the Director, Office of Human Resources Management, Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's report on Category Rating; to the Committee on Commerce, Science, and Transportation.

EC-6599. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Nonmilitary Helicopter Urban Noise Study"; to the Committee on Commerce, Science, and Transportation.

EC-6600. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of action on a nomination for the position of Administrator, Maritime Administration, received on April 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6601. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator, Federal Transit Administration, received on April 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6602. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule, Removal of Georges Bank Yellowtail Flounder Trip Limit" (I.D. No. 032406B) received on April 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6603. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery Annual Specifications and Management Measures; Inseason Adjustments" (I.D. No. 112305B) received on April 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6604. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Shark Quotas and Season Lengths" ((RIN0648-AU17) (I.D. No. 012006B)) received on April 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6605. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Deutschland Models Tay 650-15 and

651-54 Turbofan Engines" ((RIN2120-AA64) (Docket No. 2001-NE-02)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6606. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Artouste III Series Turbohaft Engines" ((RIN2120-AA64) (Docket No. 99-NE-33)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6607. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney JT8D Series Turbofan Engines" ((RIN2120-AA64) (Docket No. 98-ANE-48)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6608. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, Model A340-200 and -300 Series Airplanes, and Model A340-541 and A340-642 Airplanes" ((RIN2120-AA64) (Docket No. 2005-NM-250)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6609. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca S.A. Arrius Models 2B, 2B1, and 2F Turbohaft Engines" ((RIN2120-AA64) (Docket No. 2000-NE-12)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6610. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Model DH.125, HS.125, and BH.125 Series Airplanes; Model BAe.125 Series 800A, 800B, 1000A, and 1000B Airplanes; and Model Hawker 800 and 1000 Airplanes" ((RIN2120-AA64) (Docket No. 2005-NM-017)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6611. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aviointeriors S.p.A., Series 312 Box Mounted Seats; Correction" ((RIN2120-AA64) (Docket No. FAA-2005-20848)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6612. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-1A11, CL-600-2A12, and CL-600-2B16 Airplanes" ((RIN2120-AA64) (Docket No. 2005-NM-156)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6613. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes" ((RIN2120-AA64) (Docket No. 2005-NM-144)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6614. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans-

mitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A320-111, -211, -212, -214, -231, -232, and -233 Airplanes" ((RIN2120-AA64) (Docket No. 2005-NM-217)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6615. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6-45A, CF6-50A, CF6-50C, and CF6-50E Series Turbofan Engines" ((RIN2120-AA64) (Docket No. 2005-NE-21)) received on April 25, 2006; to the Committee on Commerce, Science, and Transportation.

EC-6616. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the proposed acquisition of Ross Catherall US Holdings Inc., by Dubai International Capital LLC, a subsidiary of Dubai Holding LLC; to the Committee on Banking, Housing, and Urban Affairs.

EC-6617. A communication from the Acting Director, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report that funding for the State of Florida as a result of the emergency conditions resulting from the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005, and continuing, has exceeded \$5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC-6618. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Mortgage Time Limits for Supplemental Claims for Additional Insurance Benefits" ((RIN2502-AI31) (FR-4957-F-02)) received on May 1, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-6619. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of action on a nomination for the position of Administrator, received on May 1, 2006; to the Committee on Foreign Relations.

EC-6620. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's "Report to Congress on Arms Control, Nonproliferation and Disarmament Studies Completed in 2004"; to the Committee on Foreign Relations.

EC-6621. A communication from the U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report entitled "The President's Emergency Plan for AIDS Relief: Report on Education"; to the Committee on Foreign Relations.

EC-6622. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's Fiscal Year 2005 Annual Report on U.S. Government Assistance to Eastern Europe under the Support for East European Democracy (SEED) Act and the Fiscal Year 2005 Report on U.S. Government Assistance to and Cooperative Activities with Eurasia; to the Committee on Foreign Relations.

EC-6623. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the Agency's Buy American Act Report for Fiscal Year 2004; to the Committee on Foreign Relations.

EC-6624. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Participation of

Taiwan in the World Health Organization Act, 2004; to the Committee on Foreign Relations.

EC-6625. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Millennium Challenge Corporation (MCC)'s Fiscal Year 2005 Annual Report; to the Committee on Foreign Relations.

EC-6626. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the designation of an acting officer and a nomination for the position of Administrator, Wage and Hour Division, Employment Standards Administration, received on May 1, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-6627. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Interim Final Regulation for Mental Health Parity" (RIN0938-AN80) received on May 1, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-6628. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; State Allotments for Payment of Medicare Part B Premiums for Qualifying Individuals: Federal Fiscal Year 2006" (RIN0938-AO31) received on May 1, 2006; to the Committee on Finance.

EC-6629. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Inpatient Psychiatric Facilities Prospective Payment System Payment Update for Rate Year Beginning July 1, 2006 (RY 2007)" (RIN0938-AN82) received on May 1, 2006; to the Committee on Finance.

EC-6630. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalties, Assessments and Recommended Exclusions" (RIN0960-AG08) received May 1, 2006; to the Committee on Finance.

EC-6631. 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 "Exempt Facility Bonds for Qualified Highway or Surface Freight Transfer Facilities Notice" (Notice 2006-45) received on May 1, 2006; to the Committee on Finance.

EC-6632. 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 "Life/Non-Life Tracking Rule" (RIN1545-BE86)(TD 9258) received on May 1, 2006; to the Committee on Finance.

EC-6633. A communication from the Secretary, Department of Agriculture, transmitting, pursuant to law, the Department's annual report entitled "Assessment of the Cattle, Hog, and Poultry Industries"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6634. A communication from the Secretary, Department of Agriculture, transmitting, a report of draft legislation entitled "Agriculture Conservation Experienced Services Act of 2006"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6635. A communication from the Legislative Affairs Branch Chief, Natural Resources Conservation Service, Department of

Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grassland Reserve Program Final Rule" (RIN0578-AA38) received on April 28, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6636. 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 "Gypsy Moth Generally Infested Areas; Ohio, West Virginia, and Wisconsin" (APHIS-2006-0029) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6637. 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 "Tuberculosis in Captive Cervids; Extend Interval for Conducting Reaccreditation Test" (Docket No. 04-094-2) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6638. 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 "States Approved To Receive Stallions and Mares From CEM-Affected Regions; Indiana" (APHIS-2006-0020) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6639. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Modifying Procedures and Establishing Regulations to Limit Shipments of Small Sizes of Red Seedless Grapefruit" (FV05-905-2 FIR) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6640. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, et al.; Change in Certain Provisions/Procedures Under the Handling Regulations for Tart Cherries" (FV06-930-1 FR) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6641. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2006-2007 Marketing Year" (FV06-985-1 FR) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6642. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Apricots Grown in Designated Counties in Washington; Temporary Suspension of Container Regulations" (FV06-922-1 IFR) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6643. 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 "Glufosinate Ammonium; Pesticide Tolerance" (FRL No. 8060-3) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6644. 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 "Fomesafen; Pesticide Tolerance" (FRL No. 8062-6) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6645. 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 "Flumioxazin; Pesticide Tolerance" (FRL No. 8057-5) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6646. 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 "Azoxytrobin; Pesticide Tolerance" (FRL No. 8063-2) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6647. 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 "Boscalid; Pesticide Tolerance" (FRL No. 8064-4) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6648. 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 "Dimethenamid-p; Pesticide Tolerances for Emergency Exemptions" (FRL No. 7770-8) received on May 1, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6649. A communication from the Chairman, United States Sentencing Commission, transmitting, pursuant to law, the report on amendments to federal sentencing guidelines, policy statements and official commentary; to the Committee on the Judiciary.

EC-6650. A communication from the Associate Attorney General, Department of Justice, transmitting, pursuant to law, the Department's 2005 annual report on certain activities pertaining to the Freedom of Information Act (FOIA); to the Committee on the Judiciary.

EC-6651. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, the Director's annual report on applications for court orders made to federal and state courts to permit the interception of wire, oral, or electronic communications during calendar year 2005; to the Committee on the Judiciary.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Ms. COLLINS for the Committee on Homeland Security and Governmental Affairs.

Mark D. Acton,\* of Kentucky, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2010.

Uttam Dhillon,\* of California, to be Director of the Office of Counternarcotics Enforcement, Department of Homeland Security.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. ALLEN (for himself and Mr. WARNER):

S. 2690. A bill to designate the facility of the United States Postal Service located at 8801 Sudley Road in Manassas, Virginia, as the "Harry J. Parrish Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORNYN (for himself, Mr. ALLEN, Mr. ENZI, Mr. LOTT, Mr. ALLARD, and Mr. BENNETT):

S. 2691. A bill to amend the Immigration and Nationality Act to increase competitiveness in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Mr. DEWINE):

S. 2692. A bill to suspend temporarily the duty on certain microphones used in automotive interiors; to the Committee on Finance.

By Mr. BURNS:

S. 2693. A bill to prevent congressional reapportionment distortions; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CRAIG (for himself and Mr. GRAHAM):

S. 2694. A bill to amend title 38, United States Code, to remove certain limitation on attorney representation of claimants for veterans benefits in administrative proceedings before the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CORNYN (for himself and Mr. LIEBERMAN):

S. 2695. A bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TALENT (for himself, Mrs. LINCOLN, Mr. COLEMAN, Ms. LANDRIEU, Mr. PRYOR, Mr. BOND, Mr. DORGAN, and Mr. VITTER):

S. 2696. A bill to extend all of the authorizations of appropriations and direct spending programs under the Farm Security and Rural Investment Act of 2002 until after implementing legislation for the Doha Development Round of World Trade Organization negotiations is enacted into law, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. KERRY, and Mr. OBAMA):

S. 2697. A bill to establish the position of the United States Ambassador for ASEAN; to the Committee on Foreign Relations.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 2698. A bill to establish the Granada Relocation Center National Historic Site as an affiliated unit of the National Park System; to the Committee on Energy and Natural Resources.

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

S. 2699. A bill to promote the research and development of drugs related to neglected and tropical diseases, and for other purposes; to the Committee on the Judiciary.

By Mr. BURR (for himself and Mr. ALLEN):

S. 2700. A bill to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes; read the first time.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BAYH:

S. Res. 459. A resolution expressing the sense of the Senate regarding United States participation and agreement in the Doha Development Round of the World Trade Organization; to the Committee on Finance.

By Mr. COLEMAN (for himself, Mr. FEINGOLD, and Mr. DAYTON):

S. Res. 460. A resolution expressing the sense of the Senate that the United States should increase its support to the people of Somalia in their efforts to end decades of violence, establish lasting peace, form a democratically elected and stable central government, and become an effective partner in eradicating radicalism and terrorism from their country and the region; to the Committee on Foreign Relations.

By Mr. LOTT (for himself, Mr. DURBIN, Mr. LUGAR, and Mr. BIDEN):

S. Res. 461. A resolution supporting and commending the supporters of the Jefferson Awards for Public Service for encouraging all citizens of the United States to embark on a life of public service and recognizing those citizens who have already performed extraordinary deeds for their community and country; considered and agreed to.

By Mr. DEMINT:

S. Con. Res. 92. A concurrent resolution encouraging all 50 States to recognize and accommodate the release of public school pupils from school attendance to attend off-campus religious classes at their churches, synagogues, houses of worship, and faith-based organizations; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 311

At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 311, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 511

At the request of Mr. DEMINT, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 511, a bill to provide that the approved application under the Federal Food, Drug, and Cosmetic Act for the drug commonly known as RU-486 is deemed to have been withdrawn, to provide for the review by the Comptroller General of the United States of the process by which the Food and Drug Administration approved such drug, and for other purposes.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1799

At the request of Ms. MIKULSKI, the name of the Senator from Washington (Ms. CANTWELL) was added as a cospon-

sor of S. 1799, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds \$1,200, adjusted for inflation.

S. 1840

At the request of Mr. THUNE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1840, a bill to amend section 340B of the Public Health Service Act to increase the affordability of inpatient drugs for Medicaid and safety net hospitals.

S. 1923

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1923, a bill to address small business investment companies licensed to issue participating debentures, and for other purposes.

S. 2140

At the request of Mr. HATCH, the names of the Senator from Montana (Mr. BURNS), the Senator from Arizona (Mr. KYL) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors 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. 2178

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2178, a bill to make the stealing and selling of telephone records a criminal offense.

S. 2292

At the request of Mr. SPECTER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2292, a bill to provide relief for the Federal judiciary from excessive rent charges.

S. 2322

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

S. 2401

At the request of Mr. BAUCUS, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2401, a bill to amend the Internal Revenue Code of 1986 to extend certain energy tax incentives, and for other purposes.

S. 2503

At the request of Mrs. LINCOLN, the name of the Senator from South Da-

kota (Mr. JOHNSON) was added as a cosponsor of S. 2503, a bill to amend the Internal Revenue Code of 1986 to provide for an extension of the period of limitation to file claims for refunds on account of disability determinations by the Department of Veterans Affairs.

S. 2510

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2510, a bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes.

S. 2557

At the request of Mr. SPECTER, the name of the Senator from Colorado (Mr. SALAZAR) 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. 2614

At the request of Mr. THUNE, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2614, a bill to amend the Solid Waste Disposal Act to establish a program to provide reimbursement for the installation of alternative energy refueling systems.

S. 2616

At the request of Mr. SANTORUM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2616, a bill to amend the Surface Mining Control and Reclamation Act of 1977 and the Mineral Leasing Act to improve surface mining control and reclamation, and for other purposes.

S. CON. RES. 91

At the request of Mr. NELSON of Florida, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. Con. Res. 91, a concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Leroy Robert "Satchel" Paige.

S. RES. 420

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. Res. 420, a resolution expressing the sense of the Senate that effective treatment and access to care for individuals with psoriasis and psoriatic arthritis should be improved.

S. RES. 458

At the request of Mr. ALEXANDER, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Res. 458, a resolution affirming that statements of national unity, including the National Anthem, should be recited or sung in English.

AMENDMENT NO. 3599

At the request of Mr. LUGAR, the names of the Senator from Louisiana

(Ms. LANDRIEU) and the Senator from Florida (Mr. NELSON) were added as cosponsors of amendment No. 3599 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 3628

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3628 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 3657

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 3657 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 3667

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3667 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 3668

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3668 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 3681

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3681 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 3695

At the request of Mr. OBAMA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 3695 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 3696

At the request of Mr. OBAMA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 3696 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 3697

At the request of Mr. OBAMA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 3697 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 3708

At the request of Ms. LANDRIEU, her name was added as a cosponsor of

amendment No. 3708 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 3717

At the request of Mr. BIDEN, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 3717 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 3718

At the request of Mr. BIDEN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Vermont (Mr. LEAHY), the Senator from Connecticut (Mr. DODD), the Senator from Washington (Ms. CANTWELL), the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Oregon (Mr. WYDEN), the Senator from Florida (Mr. MARTINEZ) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 3718 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 3719

At the request of Mr. BIDEN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Washington (Ms. CANTWELL), the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 3719 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 3721

At the request of Mr. NELSON of Florida, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 3721 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 3727

At the request of Mr. DODD, his name and the name of the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 3727 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 3734

At the request of Mr. BINGAMAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 3734 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 3747

At the request of Mr. REED, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 3747 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. SARBANES, his name was added as a cosponsor of amendment No. 3747 intended to be proposed to H.R. 4939, supra.

## AMENDMENT NO. 3748

At the request of Mr. SALAZAR, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of amendment No. 3748 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 3756

At the request of Mr. BAYH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 3756 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 3759

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 3759 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 3777

At the request of Mr. MENENDEZ, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 3777 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 3801

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 3801 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 3803

At the request of Mr. FEINGOLD, the names of the Senator from Maine (Ms. COLLINS), the Senator from Vermont (Mr. LEAHY), the Senator from Colorado (Mr. SALAZAR), the Senator from West Virginia (Mr. BYRD) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 3803 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 3809

At the request of Mr. OBAMA, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 3809 intended to be proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

## AMENDMENT NO. 3810

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3810 proposed to H.R. 4939, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. OBAMA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 3810 proposed to H.R. 4939, *supra*.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself, Mr. ALLEN, Mr. ENZI, Mr. LOTT, Mr. ALLARD, and Mr. BENNETT):

S. 2691. A bill to amend the Immigration and Nationality Act to increase competitiveness in the United States, and for other purposes; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, today I am introducing a bill that will reform our immigration policies to make the United States more competitive, called the Securing Knowledge, Innovation, and Leadership, or "SKIL" bill. Other original cosponsors of this legislation include Senators ALLARD, ALLEN, BENNETT, ENZI, and LOTT.

Our ability to innovate is crucial to the success of our economy. By investing in science and technology, we revolutionize our economy and improve the world. The President has responded to this need by proposing the American Competitiveness Initiative. And I am a proud co-sponsor of legislation that has been introduced in the Senate: the Protecting America's Competitive Edge (PACE bills) and National Innovation Act.

But there is still more that can be done. Immigration policy must be part of any discussion of competitiveness. The United States does not produce enough engineers—China graduates four times as many engineers as the U.S., and within a few years, approximately 90 percent of all scientists and engineers in the world will be in Asia. Foreign students fill that gap right now in the U.S., but then our immigration policy—not our economy—forces them to return home because there are not enough highly skilled work visas.

In the long run, we must improve our schools and encourage more U.S. students to study engineering and mathematics. But we also must adapt immigration policy so that when U.S. students are educated in engineering fields, there will be U.S. jobs for them to fill. With the SKIL bill, foreign students who graduate from U.S. institu-

tions will be able to stay and work in the United States. The bill will allow companies to retain highly skilled and educated workers.

The SKIL bill requires the government to change its processes so that companies do not waste valuable resources. If a worker has been in the U.S. and has complied with all immigration laws, he should be allowed to renew his visa here in the U.S. Why make that worker go to a consulate when all of the processing can be done here in the U.S.?

The SKIL bill exempts from annual visa limit any foreign student graduating from a U.S. university with a Master's or PhD in essential fields. Foreign workers with extraordinary skills, such as a Nobel Prize winner or an international scholar—should not have to wait for a visa. The President has also called for an increase in H-1B visas.

As Chair of the Immigration subcommittee, I have seen how immigration—both legal and illegal—affects all aspects of our lives. I am pleased that there is so much discussion about immigration and about improving avenues for workers to enter our country. But immigration today will shape the country that our children grow up in. And so there needs to be more discussion about the kinds of immigration that will most benefit our economy and our country.

I am introducing the SKIL bill because I don't believe enough attention has been focused on legal immigrants, especially the highly skilled workers who contribute to our economy and comply with our laws. It is my hope that this legislation will allow U.S. companies to retain a highly educated workforce until we can channel more American students into the math, science, and engineer pipeline. The SKIL bill is yet another important piece of the U.S. competitiveness agenda, and I urge my colleagues to cosponsor this important legislation.

By Mr. BURNS:

S. 2693. A bill to prevent congressional reapportionment distortions; to the Committee on Homeland Security and Governmental Affairs.

Mr. BURNS. Mr. President, over the last few months, we have discussed at length the problem of illegal immigration. What many may not realize is that illegal immigration affects our system of representation as well.

After the 1990 Census, my State of Montana lost one of its two seats in the House of Representatives. Ten years later, our great State had grown to more than 900,000 residents, but still did not gain a seat.

Meanwhile, we have an estimated 12 million illegal aliens in this country today, and all of them will be a factor to determine which States gain or lose a seat in the House of Representatives after the Census in 2010. This is because current policy tells us to count everyone in this country, illegal or not,

when determining Congressional apportionment.

If these trends continue, we will have millions more illegal aliens counted in the 2010 Census. The result will be more seats lost in States that have actually increased in population of law-abiding U.S. residents.

Thankfully, my State of Montana cannot lose any more seats in the House of Representatives. We are down to our last one. Other States, however, will not be so fortunate.

Law-abiding citizens should not have to lose representation because millions of illegal immigrants ignore our laws. That is why today, I am introducing the Fair and Accurate Representation Act. This bill will exclude the masses of illegal aliens in this country from being part of the Congressional apportionment process.

If we act now, we can get started on reforming this process in time for the 2010 Census. The voting rights of law-abiding citizens should not be diluted by those who choose to enter this country illegally. I call upon my colleagues in the Senate to join me in correcting this process, so that those who lawfully reside in this country receive fair and accurate representation.

By Mr. CRAIG (for himself and Mr. GRAHAM):

S. 2694. A bill to amend title 38, United States Code, to remove certain limitation on attorney representation of claimants for veterans benefits in administrative proceedings before the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I have sought recognition today to comment on legislation that the distinguished Senator from South Carolina, Senator GRAHAM, and I are introducing. This bill will provide veterans with the right to hire counsel to represent them in proceedings before the Department of Veterans Affairs (VA) and will help ensure that all who represent veterans are held to the highest standards of professional and ethical conduct.

As President Abraham Lincoln eloquently expressed nearly 150 years ago, this Nation has an obligation "to care for him who shall have borne the battle, and for his widow, and his orphan." In keeping with that charge, the Federal Government provides a wide array of benefits to veterans and their dependents, through an administrative system that is intended to be informal, claimant-friendly, and non-adversarial.

During recent years, however, veterans' organizations, VA, and others have observed that this system has become increasingly complex. Enhanced legal requirements and layers of procedural steps intended to protect the rights of veterans have increased both the complexity of the system and how long it takes to process a claim. At the same time, with the Nation at war and servicemembers deployed around the world, the disability claims filed by returning veterans have become more

complex. Many of these claims are based on disabilities caused by environmental exposures, traumatic brain injuries, psychological trauma, severe combat wounds, and other highly complex medical conditions, which by their nature may entail complex questions of causality or intricate factual or legal analyses.

Despite the increasing complexity of many cases, all 24 million living veterans are prohibited from hiring a lawyer to help them navigate the VA system. It is only after a veteran has spent months and even years exhausting the extensive VA administrative process that the veteran then may retain counsel—a process that often takes 3 or more years to complete. As the National Organization of Veterans' Advocates (NOVA) testified before the Veterans' Affairs Committee last year, "[t]his is too late in the process for counsel to be truly effective" because by that time the evidentiary record "is effectively closed." On the other hand, NOVA testified that, if attorneys were retained at an earlier stage of the process, they could be helpful in obtaining and presenting necessary evidence and in ensuring that VA timely and accurately processes claims.

So, with the potential for lawyers to help veterans successfully navigate this increasingly complex system, why does the government prohibit veterans from retaining counsel? This restriction, which dates back to the Civil War, was born out of concern that unscrupulous attorneys would improperly take large portions of veterans' disability benefits as compensation for their services. And some will argue that this concern is equally warranted today.

Although I understand this longstanding desire to protect veterans' disability compensation, I would ask my colleagues to consider a simple question posited in a recent editorial: "If American soldiers are mature and responsible enough to choose to risk their lives for their country, shouldn't they be considered competent to hire a lawyer?" I believe the obvious answer to that question is "yes."

Particularly for veterans of to day's All-Volunteer Force—which has been described as the "best-trained, best-equipped, best-led fighting force in the history of the world"—this paternalistic restriction is simply outdated. These highly trained, highly skilled veterans have the ability—and should have the right—to decide whether or not to hire a lawyer.

This is a right that is not denied to individuals seeking other earned benefits from the government. In fact, if a veteran were to seek Social Security benefits for disabilities suffered during military service, the veteran would be permitted to hire an attorney—while the same veteran seeking benefits from VA for the same disabilities would be prohibited from hiring an attorney based on this remnant of an ancient policy.

The paternalistic restriction that prevents veterans from hiring counsel may have been advisable 150 years ago, but—as one veterans' organization recently testified before the Veterans' Affairs Committee—there is now no logic to it "except history." It has endured for far too long and it is now time to embrace Justice Oliver Wendell Holmes' admonition that it is "revolting" for a law to persist "in blind imitation of the past." It is time to repeal this archaic law and to allow our Nation's veterans the option of hiring counsel.

Having said all that, I want to be clear that I am not suggesting that attorneys should be considered necessary in order to obtain VA benefits. Above all, we must ensure that the system continues to serve veterans in a claimant-friendly, non-adversarial manner—regardless of the presence of an attorney or any other representative—and we must strive to reduce the complexities of this vast system. I hope that veterans' organizations across the country will join me in pursuing those goals.

I also want to be clear that, although I believe veterans should have the option to hire attorneys, they should not be discouraged in any way from utilizing the free services now provided by many dedicated representatives of veterans' service organizations. Those representatives are an important and valuable resource that veterans and their families will undoubtedly continue to rely on for many generations to come. The availability of this resource, however, is no reason to restrict veterans' access to other options. If a veteran would rather hire an attorney, we should not stand in the way.

At the same time, however, we should ensure that anyone who represents a veteran is held to the highest standards of professional and ethical conduct and that any fee charged to a veteran is patently reasonable. To that end, this legislation will allow veterans the right to hire an attorney at any time and it will heighten the expectations on all individuals who represent veterans.

Specifically, this legislation will allow VA to ensure that all attorneys who practice before VA have adequate training or experience in this specialized area of law to competently represent veterans and that they conform to specified standards of ethical and professional conduct. It would also allow VA to ensure that all veterans' representatives are honest, professional, and law abiding; that they avoid further delaying or complicating the system by presenting frivolous claims or arguments; and that they conduct themselves with due regard for the non-adversarial nature of the system.

For veterans who opt to hire an attorney, this legislation would provide the Secretary of Veterans Affairs with authority to reduce any attorney fee if it is excessive or unreasonable and

with authority to set restrictions on the amount of fees that could be charged in any case before VA. Finally, in order to avoid any drain on existing VA resources, VA would have authority to impose on attorneys a registration fee to defray any costs associated with allowing them to practice before VA.

In sum, this legislation will take measures to ensure that the interests of veterans will be protected, while allowing them to decide for themselves whether they want to hire a lawyer. I ask my colleagues to support this groundbreaking legislation.

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

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

S. 2694

*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 "Veterans' Choice of Representation Act of 2006".

**SEC. 2. ATTORNEY REPRESENTATION IN VETERANS BENEFITS CLAIMS CASES BEFORE THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) QUALIFICATIONS AND STANDARDS OF CONDUCT FOR INDIVIDUALS RECOGNIZED AS AGENTS OR ATTORNEYS.—

(1) ADDITIONAL QUALIFICATIONS AND STANDARDS FOR AGENTS AND ATTORNEYS GENERALLY.—Subsection (a) of section 5904 of title 38, United States Code, is amended—

(A) by inserting "(1)" after "(a)";  
 (B) by striking the second sentence; and  
 (C) by adding at the end the following new paragraphs:

"(2) The Secretary may prescribe in regulations qualifications and standards of conduct for individuals recognized under this section, including the following:

"(A) A requirement that, before being recognized, an individual—

"(i) show that such individual is of good moral character and in good repute, is qualified to render claimants valuable service, and is otherwise competent to assist claimants in presenting claims; and

"(ii) has such level of experience and specialized training as the Secretary shall specify.

"(B) A requirement that the individual follow such standards of conduct as the Secretary shall specify.

"(3) The Secretary may prescribe in regulations restrictions on the amount of fees that an agent or attorney may charge a claimant for services rendered in the preparation, presentation, and prosecution of a claim before the Department.

"(4)(A) The Secretary may, on a periodic basis, collect from individuals recognized as agents or attorneys under this section a registration fee.

"(B) The Secretary shall prescribe the amount and frequency of collection of such fees. The amount of such fees may include an amount, as specified by the Secretary, necessary to defray the costs of the Department in recognizing individuals under this section, in administering the collection of such fees, in administering the payment of fees under subsection (d), and in conducting oversight of agents or attorneys.

"(C) Amounts so collected shall be deposited in the account from which amounts for such costs were derived, merged with amounts in such account, and available for

the same purpose, and subject to the same conditions and limitations, as amounts in such account.”.

(2) APPLICABILITY TO REPRESENTATIVES OF VETERANS SERVICE ORGANIZATIONS.—Section 5902(b) of such title is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting “(1)” after “(b)”;

(C) by adding at the end the following new paragraph:

“(2) An individual recognized under this section shall be subject to suspension under section 5904(b) of this title on the same basis as an individual recognized under section 5904(a) of this title.”.

(3) APPLICABILITY TO INDIVIDUALS RECOGNIZED FOR PARTICULAR CLAIMS.—Section 5903 of such title is amended—

(A) by inserting “(a) IN GENERAL.—” before “The Secretary”;

(B) by adding at the end the following new subsection:

“(b) SUSPENSION.—An individual recognized under this section shall be subject to suspension under section 5904(b) of this title on the same basis as an individual recognized under section 5904(a) of this title.”.

(b) ADDITIONAL BASES FOR SUSPENSION OF INDIVIDUALS.—Subsection (b) of section 5904 of such title is amended—

(1) by inserting “and sections 5902 and 5903 of this title” after “under this section”;

(2) in paragraph (4), by striking “or” at the end;

(3) in paragraph (5), by striking the period and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

“(6) has failed to conduct himself or herself with due regard for the non-adversarial nature of any proceeding before the Department;

“(7) has presented frivolous claims, issues, or arguments to the Department; or

“(8) has failed to comply with any other condition specified by the Secretary in regulations prescribed by the Secretary for purposes of this subsection.”.

(c) REPEAL OF LIMITATION ON HIRING AGENTS OR ATTORNEYS.—Subsection (c) of section 5904 of such title is amended by striking paragraph (1).

(d) MODIFICATION OF REQUIREMENTS TO FILE ATTORNEY FEE AGREEMENTS.—Such subsection is further amended—

(1) by redesignating paragraph (2) as paragraph (1); and

(2) in that paragraph, as so redesignated—

(A) by striking “in a case referred to in paragraph (1) of this subsection”;

(B) by striking “after the Board first makes a final decision in the case”;

(C) by striking “with the Board at such time as may be specified by the Board” and inserting “with the Secretary pursuant to regulations prescribed by the Secretary”;

(D) by striking the second and third sentences.

(e) ATTORNEY FEES.—Such subsection is further amended by inserting after paragraph (1), as redesignated by subsection (d)(1) of this section, the following new paragraph (2):

“(2)(A) The Secretary, upon the Secretary’s own motion or at the request of the claimant, may review a fee agreement filed pursuant to paragraph (1) and may order a reduction in the fee called for in the agreement if the Secretary finds that the fee is excessive or unreasonable.

“(B) A finding or order of the Secretary under subparagraph (A) may be reviewed by the Board of Veterans’ Appeals under section 7104 of this title.”.

(f) REPEAL OF PENALTY FOR CERTAIN ACTS.—Section 5905 of such title is amended

by striking “(1)” and all that follows through “(2)”.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect six months after the date of the enactment of this Act.

(2) REGULATIONS.—The Secretary shall prescribe the regulations, if any, to be prescribed under the amendments made by subsection (a) not later than the date specified in paragraph (1).

(3) CLAIMS.—The amendments made by subsections (b), (c), (d), and (e) shall apply to claims submitted on or after the date specified in paragraph (1).

Mr. CORNYN (for himself and Mr. LIEBERMAN):

S. 2695. A bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency; to the Committee on Homeland Security and Governmental Affairs.

Mr. CORNYN. Mr. President, I rise today to join my friend Senator LIEBERMAN in introducing legislation that will ensure U.S. taxpayer dollars are spent wisely, and will help enhance America’s ability to compete in the global economy.

Each year, our Federal Government invests more than \$55 billion on basic and applied research. That’s roughly 40 percent of the current two-year budget for my home State of Texas.

The bulk of this money is spent by approximately 10 agencies, including: the National Institutes of Health, National Science Foundation, NASA, the Department of Energy, and the Department of Agriculture. These agencies use the money to fund research which is usually conducted by outside researchers working for universities, healthcare systems, and other groups.

Most of the time, researchers will publish the results of their work in an academic journal. The NIH, for example, estimates that roughly 65,000 articles are published each year that report on research either partially or entirely funded by NIH.

Unfortunately, as it stands now, most Americans have little—to no—timely access to this wealth of information, despite the fact that their tax dollars paid for the research. Some Federal agencies, with the NIH chief amongst them, have taken some very positive steps in the right direction to require that these articles reporting on government-funded research be freely available to the public in a timely manner.

In fact, today marks the one-year anniversary of the implementation of a ground breaking public access policy at NIH developed by Director Elias Zerhouni. I thank Dr. Zerhouni and his colleagues for their leadership on this important issue and for energizing this debate.

While Dr. Zerhouni and NIH have made strong progress, Sen. LIEBERMAN and I believe more must be done, not only at NIH and in medical research, but throughout the Federal Government and the sciences in general.

That is why today we are introducing the Federal Research Public Access Act of 2006, legislation that will refine the work done by NIH and require that the Federal Government’s leading underwriters of research adopt meaningful public access policies.

Our legislation is a simple, common sense approach that will advance the public’s access to the research it funds. We hope this access will help accelerate science, innovation, and discovery.

Under our bill, all Federal departments and agencies that invest \$100 million or more annually in research will be asked to develop a public access policy. Each policy will require that all articles that result from federal funding be deposited in a publicly accessible archive no later than six months after publication.

Our bill simply says to all researchers who seek government funding that we want the results of your work to be seen by the largest possible audience. It will ensure that U.S. taxpayers do not have to pay twice for the same research—once to conduct it, and a second time to read it.

This legislation is an opportunity for our government to better leverage our investment in research, and to ensure a greater return on that investment, which is all the more important given the current budget situation. By sharing this information quickly and broadly with all potential users, we can advance science, accelerate the pace of new discoveries and innovations, and improve the lives and welfare of people at home and abroad.

All Americans will be positively affected as a result of this bill: patients diagnosed with a disease or condition will be able to use the Internet to access the full text of articles containing the latest information on ent and prognosis; students at small institutions will have equal access to research articles they need to complete assignments and further their studies; researchers will have their findings more broadly and more quickly disseminated, possibly sparking further discovery and innovation.

The Internet has dramatically altered how the world gathers and shares information. The Internet gives the homemaker in Houston the ability to find volumes of information about a recent medical diagnosis given to a family member. It allows a young community college student in rural West Texas—a great distance from the nearest research library—to learn the latest in scientific discovery and hopefully spur him to continue his studies.

While a comprehensive competitiveness agenda is still in the works, ensuring greater access to scientific information is one way we can help bolster interest in these important fields and move this issue forward while at the same time helping accelerate the pace of discovery and innovation. Through this legislation, I hope to ensure that students, researchers, and every American has access to the published results

of federally funded research, and I ask for my colleagues' support.

By Mr. TALENT (for himself, Mrs. LINCOLN, Mr. COLEMAN, Ms. LANDRIEU, Mr. PRYOR, Mr. BOND, Mr. DORGAN, and Mr. VITTER):

S. 2696. A bill to extend all of the authorizations of appropriations and direct spending programs under the Farm Security and Rural Investment Act of 2002 until after implementing legislation for the Doha Development Round of World Trade Organization negotiations is enacted into law, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. TALENT. Mr. President, America has the safest, most abundant, best tasting, and least expensive food supply not only in the world, but in the history of the world. There are a lot of good people in the food and fiber production industry who deserve credit for that. But the heart of food production in the United States and the world and the center of the rural communities that produce our food and fiber, is none other than the American family farmer and rancher.

I want to assure everyone here of this. There are a lot of us in Congress and in the country that believe in agriculture; we intend to continue supporting policies that help farmers; and we're not going to apologize to anyone for doing it, especially foreign countries that are not negotiating in good faith with the United States through the WTO.

When I am in Missouri, I hear strong support for the current farm bill. Producers all over the State tell me that they like the programs created in the farm bill and they want to see it extended, especially when we have the uncertainty of the current WTO negotiations hanging over the head of our domestic agriculture industry.

It would be unfair to our nation's agriculture producers to write a new farm bill in the midst of ongoing international trade negotiations. Today, Senator LINCOLN, and I, with a number of other members, filed legislation to extend the current farm bill until the Doha round of World Trade Organization (WTO) negotiations is complete.

Our Nation's farmers and their lenders should not be asked to operate under rules that keep changing. We must have fair global trading rules in place before we write the next farm bill. A farm bill extension is a reasonable and sound approach.

Everyone knows that safe food is abundant in the United States. Farmers and farm workers constitute 2 percent of the total workforce in the United States, yet they help feed the entire world. Unfortunately, some people in Washington believe that we spend too much in securing that safe and abundant food supply.

What does this safe and inexpensive food supply cost the Federal taxpayer? In the United States, domestic support

programs amount to 3/4 of one per cent of the total Federal budget. For 3/4 of one per cent our farmers are able to sustain an agriculture industry that produces 25 million jobs and 3.5 trillion dollars in economic activity.

For three quarters of one per cent of the Federal budget, Americans have a hedge against ever being held hostage to food imports the way we are now held hostage to energy imports. Where would our security be without the American family farm? What would it mean for the United States if our family farmers went out of business, and foreign powers could threaten our food as they now threaten our energy? Do we want to rely on Brazil for food the way we rely on Venezuela for oil?

I believe the best way to continue support for this strong sector of our economy is to extend the farm bill until we have a WTO agreement that is good for American agriculture. I do not believe that we should negotiate with our trading partners and against ourselves.

As George Washington wrote in 1796, "Agriculture is of primary importance. In proportion as nations advance in population and other circumstances of maturity, this truth becomes more apparent, and renders the cultivation of the soil more and more an object of public patronage."

America will be more than ever what George Washington predicted in 1788 it would be: the "storehouse and granary for the whole world."

Mrs. LINCOLN. Mr. President, I rise today to introduce legislation that would extend the provisions of the 2002 Farm Bill until our trading partners in the WTO have at least matched our commitment to level disparities in global agriculture trade. I would like to thank Senator TALENT for working with me on this important piece of legislation to farm families in my State of Arkansas and across the Nation.

This legislation would extend our current farm bill until one year after implementing legislation for a WTO Doha agreement is enacted. Then . . . and only then . . . will Congress know what to expect of our trading partners and what our trading partners expect from us.

Four years ago, President Bush, after some noted reluctance, signed into law the 2002 Farm Bill. As a member of the Senate Agriculture Committee and a farmer's daughter, I played an active role in that debate and was pleased with the outcome, which I view as a compromise between many different interests. Most importantly, I view it as a contract between the farmers in my State of Arkansas and their government. It is meant to offer what little certainty can exist for those who choose to make a living providing the safe and affordable food supply which we as Americans depend on. Unfortunately, certainty is something that's hard to come by in farm country these days.

This Administration has repeatedly asked Congress to cut funding or make

structural changes to the 2002 Farm Bill, regardless of the fact that CBO estimates it has come in approximately \$13 billion cheaper than anticipated.

This Administration has also refused to provide emergency assistance to agriculture producers, despite the fact that farmers across the Nation faced weather-related disasters of all kinds and record high fuel and fertilizer costs in 2005. A wet spring, followed by extreme drought and rising fuel prices, cost farmers in my State \$923 million last year. In Arkansas, where one in five jobs is tied to agriculture, this impacts the entire State economy.

All the while, producers wait and watch as U.S. negotiators offer proposals in the WTO that would require drastic reductions and changes in our farm support, while our trading partners continue to protect their markets with tariffs and subsidies far higher than we have in the U.S.

I am tired of waiting, and so are my farmers. Very little was accomplished at the WTO ministerial in Hong Kong, and trade officials recently announced that the April 30th deadline for reaching a negotiating framework would pass without progress. The 2002 Farm Bill is set to expire in September of next year, and we are no closer to an agreement in the WTO than we were one year ago.

No doubt our trading partners are quite content to take the wait and see approach. This Administration has made it quite clear that it supports drastic changes to our farm policy, with or without an agreement in the WTO. Our trading partners are demanding that we dismantle our farm program . . . meanwhile they do little to nothing to show that they are willing to do the same. Why would they?

This Administration is sending them the very clear message that they agree with them . . . and envision 2007 as the year to make those changes. If that is the case, what incentive then do our trading partners have to come to the negotiating table at all? More importantly, what does it say about our negotiating priorities if we are simply negotiating with ourselves?

Some may argue that we must change our agriculture policy to avoid further litigation against our farm programs by WTO countries. But without a completed WTO agreement, like the one negotiated in the Uruguay Round, how are we expected to write new farm policy that is compliant? Compliant with what?

In my view, and I think many of my colleagues agree, the best course of action is to extend the current farm bill until we know the rules of the road. As a member of the Senate Finance Committee, with jurisdiction over international trade . . . and as a farmer's daughter who understands full well the importance of international markets to the U.S. agriculture industry . . . I am introducing this legislation to send a message to our friends in the WTO. We will not negotiate by ourselves . . . we

will not make wholesale changes to our domestic policies until we know that you are willing to do the same.

So long as we maintain the status quo in our international trade agreements, then we should maintain the status quo with regard to our domestic farm policy as well. That is the type of message that I wish our trade negotiators were sending to our trading partners. And that is the message that I hope our trading partners receive today. That is the type of certainty that America's farmers need and deserve.

The legislation Senator TALENT and I introduce today will provide this certainty to our farming communities and send a strong signal to our trading partners. Congress will not make drastic changes to our farm policy without a meaningful agreement in the WTO.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. KERRY, and Mr. OBAMA):

S. 2697. A bill to establish the position of the United States Ambassador for ASEAN; to the committee on Foreign Relations.

Mr. LUGAR. Mr. President, today, I rise to introduce "The U.S. Ambassador for ASEAN Act", which signals the importance of bolstering the U.S.-ASEAN relationship for our mutual benefit.

ASEAN was originally established in 1967. The founding Members, Indonesia, Malaysia, the Philippines, Singapore and Thailand, remain as anchor participants of ASEAN today. Overall membership has expanded, with ten countries now comprising ASEAN.

Over the years, ASEAN has contributed to regional stability in East Asia and has partnered with the United States to combat global terror. In addition to promoting regional peace and stability, ASEAN is committed to accelerating economic growth, social progress, and cultural development.

ASEAN is the third largest export market for United States products, and has received approximately \$90 billion in direct investment from U.S. sources. Nearly 40,000 ASEAN students are studying in the United States.

The United States maintains bilateral relationships with the ASEAN Member countries. However, as ASEAN develops an integrated free trade area and addresses matters of common concern with the United States—ranging from environmental and financial challenges to avian influenza and terrorism—it is appropriate for the United States to enhance its overall relationship with ASEAN.

With this in mind, my legislation establishes the position of U.S. Ambassador for ASEAN, subject to advice and consent of the Senate. I believe this initiative will be an important step in advancing an already positive relationship. In addition, I am hopeful that once the position is established, the U.S. Ambassador to ASEAN will help facilitate ongoing implementation of

the ASEAN-U.S. Enhanced Partnership, announced last November by ASEAN leaders and President Bush.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 2698. A bill to establish the Granada Relocation Center National Historic Site as an affiliated unit of the National Park System; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, I rise today to introduce my bill to designate the Granada Relocation Camp, also known as Camp Amache, as a National Historic Site in Colorado.

The Granada Relocation Camp, which is located in Southeast Colorado between the towns of Lamar and Holly on the Santa Fe Trail, played an important, and sometimes sad, part in United States history. In the 1800's travelers that came into Colorado along the Santa Fe Trail used it as a place to buy supplies and rest, and it was known as the "Gateway to Colorado". This put Granada on the map and the area was settled in 1873. By 1876 it was one of the largest cities in Colorado and endured a move further west for expansion.

The town is now best known for the Granada Relocation Camp, Camp Amache, which was established during one of the darker, but just as important time periods in American history. This camp, one of ten internment camps in the Nation, was established in August 1942 by the United States government during World War II as a place to house the Japanese from the West coast and was closed on August 15, 1945. Camp Amache was named after Amache Ochinee Prowers, the wife of John Prowers, the founder of the county in which Granada presides. It became its own little city with 30 blocks of barracks, school rooms, and mess tents. It also included its own post office, fire station, police, and hospital.

While this was a dark moment in American history, it is still an important part of it. By preserving this site, we are preserving our own history.

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

S. 2699. A bill to promote the research and development of drugs related to neglected and tropical diseases, and for other purposes; to the Committee on the Judiciary.

Mr. BROWNBACK. Mr. President, today I introduced with my colleague, Senator LIEBERMAN, the Elimination of Neglected Diseases Act of 2006. This legislation is designed to confront and combat a group of dangerous parasitic diseases that together claim more than 500,000 lives each year and adversely affect millions more. These 13-15 neglected tropical diseases, NTD, as they are called, are the most common infections in the developing world, and include such debilitating diseases as leprosy, guinea worm, and trachoma. Many are described in the Bible, expos-

ing the sad fact that humans have been suffering from these diseases for millennia. Moreover, research has shown alarming rates of comorbidity of NTD's with HIV/AIDS, tuberculosis, and malaria, resulting in severe complications with these already devastating diseases.

The biggest challenge to finding cures for these diseases is the lack of a market. Pharmaceuticals are expensive to develop, and since neglected diseases disproportionately affect poor and marginalized populations in the developing world, there are fewer incentives for conducting research and development for new treatments. The purpose of this act is to encourage drug development by creating market incentives for investment in new research. Specifically, the bill awards a limited patent-term extension or patent-term restoration for certain lifestyle and tropical disease drugs provided the company successfully develops a new FDA-approved drug for an NTD. In this way, a drug company can recoup costs for the large investment in NTD research and development.

With the exception of market incentives, we have all the right ingredients to develop new drugs that would dramatically reduce the number of NTD cases and improve the quality of human life worldwide. I strongly believe that this legislation will add the last remaining step to jumpstart competitive research and development for combating NTD's. I urge my colleagues to join in this effort by supporting this bill.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 459—EX-PRESSING THE SENSE OF THE SENATE REGARDING UNITED STATES PARTICIPATION AND AGREEMENT IN THE DOHA DEVELOPMENT ROUND OF THE WORLD TRADE ORGANIZATION

Mr. BAYH submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 459

Whereas in 2001, World Trade Organization members launched the Doha Development Agenda, a new round of multilateral trade negotiations with a core objective of increasing market access for nonagricultural products, such as industrial goods;

Whereas Ministers of World Trade Organization members agreed in the Doha Declaration that the aim of the nonagricultural market access (NAMA) negotiations is to reduce or eliminate industrial tariffs, with an emphasis on high tariffs and nontariff barriers;

Whereas, at the 2005 World Trade Organization Ministerial in Hong Kong, members renewed this commitment by agreeing to adopt a tariff-cutting formula geared toward the reduction or elimination of high tariffs;

Whereas, at the 2005 World Trade Organization Ministerial in Hong Kong, members agreed once again to reduce or eliminate trade-distorting nontariff barriers, and to focus on liberalization in certain sectors;

Whereas, at the 2005 World Trade Organization Ministerial in Hong Kong, members agreed to establish by April 30, 2006, the formulas or approaches (commonly referred to as “modalities”) for tariff reductions and that time frame has now been extended;

Whereas manufactured goods account for over 70 percent of world merchandise trade and 87 percent of the United States total merchandise exports;

Whereas substantial differences in average bound industrial tariff rates among World Trade Organization members have caused vast inequities in the multilateral trading system, placing American companies and workers at a disadvantage;

Whereas the United States has a simple average bound tariff rate of 3.2 percent for industrial goods with 38.5 percent of industrial tariff lines providing for duty-free treatment;

Whereas foreign tariffs on industrial goods are significantly higher than United States rates, and countries with high industrial tariff rates provide few, if any, duty-free tariff treatment;

Whereas many countries that maintain high industrial tariffs are benefiting under the United States Generalized System of Preferences (GSP), a program granting duty-free treatment to specified products that are imported from more than 140 designated countries and territories;

Whereas in 2005, the United States annual deficit for trade in goods reached a new high of \$782,100,000,000;

Whereas the United States share of global industrial goods trade has shrunk over the past decade, and 3,000,000 domestic manufacturing jobs have been lost since June 2000;

Whereas producers of industrial goods, particularly manufacturers, are critical to the health of the United States economy;

Whereas greater access to foreign markets will generate economic growth, raise wages, bolster research and development, and increase standards of living; and

Whereas international trade can be a dynamic engine for economic growth and job creation, provided that America’s entrepreneurs and innovators are afforded non-discriminatory treatment in the global economy: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the United States should not be a signatory to any agreement or protocol with respect to the Doha Development Round of the World Trade Organization negotiations unless—

(1) a NAMA agreement would lead to a significant reduction or elimination of the substantial inequities in the average level of industrial tariff rates of all World Trade Organization members;

(2) substantial increases in market access and United States exports are achieved through reductions in average tariff rates applied to manufactured goods;

(3) sectoral tariff agreements are included that would result in a significant number of countries eliminating tariffs on products and in sectors that would increase United States exports; and

(4) real new market access is achieved through the dismantling of nontariff barriers, and particularly in sectors of primary importance to American manufacturers.

SENATE RESOLUTION 460—EX-PRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD INCREASE ITS SUPPORT TO THE PEOPLE OF SOMALIA IN THEIR EFFORTS TO END DECADES OF VIOLENCE, ESTABLISH LASTING PEACE, FORM A DEMOCRATICALLY ELECTED AND STABLE CENTRAL GOVERNMENT, AND BECOME AN EFFECTIVE PARTNER IN ERADICATING RADICALISM AND TERRORISM FROM THEIR COUNTRY AND THE REGION

Mr. COLEMAN (for himself, Mr. FEINGOLD, and Mr. DAYTON) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 460

Whereas General Mohamed Siad Barre, who came to power in Somalia through a military coup in 1969, was ousted from power by several armed groups of Somalia in 1991;

Whereas, following the collapse of the central authority in Mogadishu, the capital of Somalia, rival groups of Somalia devastated the region by—

(1) engaging in an armed struggle for personal political power; and

(2) preventing food and medicine from reaching innocent civilians who were suffering from drought and famine;

Whereas, during the continued internal chaos and destruction in Somalia, hundreds of thousands of people have died from—

- (1) violence;
- (2) starvation; and
- (3) disease;

Whereas the people of Somalia witnessed the country splinter into—

(1) the Republic of Somaliland, which—

(A) is located in the northwest portion of Somalia; and

(B) seeks independence;

(2) Puntland, which is an autonomous region located in the northeast portion of Somalia; and

(3) a myriad of warlord-controlled fiefdoms that are located in the southern portion of Somalia;

Whereas, on November 9, 1992, President George H. W. Bush authorized Operation Restore Hope, and used the Armed Forces to safeguard nongovernmental organizations while the organizations attempted to provide humanitarian assistance to the suffering civilian population of Somalia;

Whereas the United States led the Unified Task Force (referred to in this preamble as the “UNITAF”) in an effort to—

(1) save lives; and

(2) help create a relatively peaceful environment for humanitarian activity in Somalia;

Whereas, in May 1993, UNITAF handed its operations to the United Nations for an operation subsequently known as the “United Nations Operation in Somalia”, giving the people of Somalia hope for peace and stability;

Whereas the operation was unfortunately unsuccessful in establishing peace and stability in Mogadishu and other parts of Somalia;

Whereas, in March 1994, the Armed Forces withdrew from Somalia after a long and bloody battle in Mogadishu on October 3, 1993;

Whereas, 1 year after the withdrawal of the United States, the United Nations withdrew all remaining peacekeepers because the security conditions in Somalia had further deteriorated;

Whereas the United Nations withdrew United Nations troops from Somalia in 1995;

Whereas 13 conferences dedicated to promoting reconciliation or peace have been called in order to end the fighting in Somalia;

Whereas, in October 2002, 21 warring parties in Somalia took positive action by—

(1) agreeing to a cease fire under the auspices of the East African organization known as the “Intergovernmental Authority on Development”; and

(2) beginning a dialogue that was focused on forming a government;

Whereas, in September 2003, the parties to the Kenyan peace process agreed on the Transitional National Charter for Somalia, and thus paved the way for the creation of a unified national government in Somalia;

Whereas, in August 2004, the 275-member Transitional Federal Assembly of Somalia was assembled in Kenya to reunify and heal Somalia and comprised of 61 delegates from the 4 major clans of Somalia and 31 delegates from an alliance of minority clans located in that country;

Whereas Abdullahi Yusuf Ahmed, the former leader of Puntland, was elected President of Somalia by the Transitional Federal Government on October 10, 2004;

Whereas Abdullahi Yusuf Ahmed appointed Professor Ali Mohamed Gedi as Prime Minister in November 2004;

Whereas a limited number of countries on the continent of Africa have pledged to send peacekeeping troops to Somalia to help protect the Transitional Federal Government as the Government seeks to reestablish peace and order;

Whereas the international community should encourage those individuals and organizations that have shown commitment to the peace process, including—

- (1) the African Union;
- (2) the Intergovernmental Authority on Development;
- (3) the Transitional Federal Government; and

(4) the many clans located in Somalia;

Whereas escalating tensions and violence between certain clans threaten to weaken the ability of the Transitional Federal Government to—

- (1) develop capacity;
- (2) effectively establish stability; and
- (3) enforce the rule of law throughout Somalia;

Whereas the 2004 Country Reports on Terrorism, produced by the Secretary of State in accordance with section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), noted that—

(1) “a small number of al-Qa’ida operatives in East Africa, particularly Somalia, continue to pose the most serious threat to American interests in the region”;

(2) “Somalia’s lack of a functioning central government, protracted state of violent instability, long unguarded coastline, porous borders, and proximity to the Arabian Peninsula make it a potential location for international terrorists seeking a transit or launching point to conduct operations elsewhere”; and

(3) “[t]he U.S. government must identify and prioritize actual or potential terrorist sanctuaries. For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power”;

Whereas current political tensions may be exacerbated by the ongoing humanitarian crisis that continues to affect hundreds of thousands of individuals in Somalia, thereby making the task of creating a stable, central government increasingly difficult;

Whereas the Transitional Federal Government is incapable of meeting the fundamental needs of all people of Somalia, including—

- (1) education;
- (2) health care; and
- (3) other essential services;

Whereas the 2005 Human Rights Report published by the Department of State cites significant concerns relating to abuses of human rights in Somalia, including—

- (1) female genital mutilation;
- (2) rape; and
- (3) political violence;

Whereas the Federal Government has provided \$476,000,000 for humanitarian assistance activities since 1990, although a majority of those funds were distributed during the early 1990s;

Whereas it is the desire of the United States that the people of Somalia live peaceful, stable, prosperous, and happy lives;

Whereas the United States has historically supported the aspirations of the people of Somalia; and

Whereas the compassion of the citizens of the United States extends across the world to embrace every member of the human family: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the United States is working with the people of Somalia to build a stable and enduring democratic nation in the Horn of Africa that is prosperous and free of civil war;

(2) to achieve long-lasting peace in the region, the nascent leadership and governance structures of Somalia must—

(A) commit themselves to the principles of democracy and the rule of law; and

(B) pledge to hold popular elections as soon as Somalia has stabilized;

(3) the nascent Transitional Federal Government for Somalia should—

(A) organize itself in 1 city as soon as practicable to—

(i) promote national unity; and

(ii) begin the process of reentering the international community; and

(B) delay the consideration of the delicate issue regarding the Republic of Somaliland until an appropriate level of stability has been achieved in Somalia, while understanding the critical importance of that issue for establishing a peaceful Somalia;

(4) the President should—

(A) commend the efforts of those that have worked to restore a functioning and internationally recognized government in Somalia, including—

(i) the people of Somalia and their representatives;

(ii) the African Union;

(iii) the Intergovernmental Authority on Development;

(iv) friendly countries from the continent of Africa; and

(v) nongovernmental organizations;

(B) through the Secretary of State, develop a comprehensive interagency stabilization and reconstruction strategy that—

(i) aligns humanitarian, developmental, economic, political, counterterrorism, and regional strategies;

(ii) achieves the objectives of the United States in Somalia in coordination with the international donor community; and

(iii) orients current and future programs to meet the objectives described in clause (ii);

(C) appoint a special envoy to Somalia to—

(i) help guide and inform United States policy and interests in the region; and

(ii) serve as a liaison between—

(I) the United States;

(II) nascent Somali governance institutions;

(III) the international donor community; and

(IV) the region;

(D) instruct the United States Permanent Representative to the United Nations to request that the Security Council take additional measures to—

(i) evaluate the effectiveness of the existing arms embargo on Somalia; and

(ii) develop an improved plan to monitor and protect the vast land and maritime borders of Somalia from—

(I) smuggling;

(II) dumping; and

(III) piracy; and

(E) through the Secretaries of State and the Treasury, work with international financial institutions to incrementally reduce the crippling international debt of Somalia on the condition that Somalia upholds democratic and free market principles;

(5) the United States Agency for International Development should increase the assistance that the Agency provides to the Transitional Federal Government to rebuild the national infrastructure of Somalia, and place particular emphasis on the promotion of the governmental institutions of Somalia;

(6) the United States should provide training and support to the Transitional National Government of Somalia to—

(A) fight terrorism and extremism; and

(B) strengthen the civil society and grassroots efforts in Somalia that will deny terrorist and extremist groups a fertile ground for recruitment in that country;

(7) the United States, in partnership with the United Nations and the international donor community, must—

(A) heed the calls concerning the significant drought affecting the region that have been placed by—

(i) the United Nations Coordinator for Humanitarian Assistance;

(ii) the international community of nongovernmental organizations; and

(iii) regional governments;

(B) provide sufficient humanitarian assistance to those impacted by the drought; and

(C) realize that a failure to address the humanitarian emergency could have a negative impact on fragile political developments; and

(8) not later than 180 days after the date of enactment of this resolution, the Secretary of State should present to Congress a status report on items referred to in paragraphs (4) through (8) that includes—

(A) a projection of future challenges regarding Somalia; and

(B) resource requirements that could foreseeably be needed to continue to support the transition of Somalia to a peaceful and democratic country.

**SENATE RESOLUTION 461—SUPPORTING AND COMMENDING THE SUPPORTERS OF THE JEFFERSON AWARDS FOR PUBLIC SERVICE FOR ENCOURAGING ALL CITIZENS OF THE UNITED STATES TO EMBARK ON A LIFE OF PUBLIC SERVICE AND RECOGNIZING THOSE CITIZENS WHO HAVE ALREADY PERFORMED EXTRAORDINARY DEEDS FOR THEIR COMMUNITY AND COUNTRY**

Mr. LOTT (for himself, Mr. DURBIN, Mr. LUGAR, and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 461

Whereas one of the defining traditions of the democracy of the United States is that each person can make a difference;

Whereas the value of public and community service was a founding principle of the Government of the United States;

Whereas, for generation after generation, the citizens of the United States have desired to pass to the youth of the Nation the tradition of neighbors helping neighbors through—

(1) local community service;

(2) volunteerism; and

(3) public service;

Whereas, to build stronger communities, the youth of the United States should be inspired to seek career opportunities in—

(1) the public sector;

(2) the nonprofit sector;

(3) the faith-based community; and

(4) Federal, State, and local governments;

Whereas the Jefferson Awards for Public Service are a prestigious national recognition system that was created on a non-partisan basis in 1972 by—

(1) Jacqueline Kennedy Onassis;

(2) Senator Robert Taft, Jr.; and

(3) Sam Beard;

Whereas the creators of the Jefferson Awards for Public Service sought to create an award similar to the Nobel Prize to encourage and honor individuals for their achievements and contributions in public and community service;

Whereas, for over 30 years, the supporters of the Jefferson Awards for Public Service have pioneered the promotion of civic engagement by using profiles of individual excellence, the media, and modern technology to attract and recruit all citizens of the United States to participate in the democratic processes of the Nation; and

Whereas the Jefferson Awards for Public Service have honored award recipients at—

(1) the national level, by placing the recipients on a "Who's Who" list of outstanding citizens of the United States; and

(2) the local level, by naming the recipients "Unsung Heroes" who accomplish extraordinary deeds for the betterment of the United States while going largely unnoticed: Now, therefore, be it

*Resolved*, That the Senate—

(1) fully supports the goals and ideals that the creators instilled into the civic engagement initiatives of the Jefferson Awards for Public Service; and

(2) salutes and acknowledges the American Institute for Public Service and the role played by the Jefferson Awards for Public Service in promoting public service in the United States.

**SENATE CONCURRENT RESOLUTION 92—ENCOURAGING ALL 50 STATES TO RECOGNIZE AND ACCOMMODATE THE RELEASE OF PUBLIC SCHOOL PUPILS FROM SCHOOL ATTENDANCE TO ATTEND OFF-CAMPUS RELIGIOUS CLASSES AT THEIR CHURCHES, SYNAGOGUES, HOUSES OF WORSHIP, AND FAITH-BASED ORGANIZATIONS**

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

S. CON. RES. 92

Whereas the free exercise of religion is an inherent, fundamental, and inalienable right secured by the 1st amendment to the Constitution of the United States;

Whereas the free exercise of religion is important to the intellectual, moral, civic, and ethical development of students in the United States;

Whereas the free exercise of religion must be conducted in a constitutionally appropriate manner;

Whereas, in *Zorach v. Clauson*, 343 U.S. 306 (1952), the United States Supreme Court held that a statute that provides for the release of public school pupils from school attendance to attend religious classes is constitutional if—

(1) the programs take place away from school grounds;

(2) school officials do not promote attendance at religious classes; and

(3) the solicitation of students to attend is not done at the expense of public schools; and

Whereas the Constitution of the United States and the laws of the States allow the school districts of the States to release public school pupils from school attendance to attend religious classes: Now, therefore, be it

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

(1) calls on all 50 States to recognize and accommodate those churches, faith-based organizations, and individuals that wish to release public school pupils from school attendance to attend religious classes; and

(2) respectfully requests the President of the United States to proclaim the third week of November 2006 as “Bible Education in School Time Week”.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3825. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3627 submitted by Mr. VITTER 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 3826. Mr. MCCAIN 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 3827. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3776 submitted by Mr. KOHL and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3828. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3776 submitted by Mr. KOHL and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3829. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3635 submitted by Mr. ALLEN (for himself and Mr. BURR) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3830. Mr. MCCAIN 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 3831. Mrs. HUTCHISON 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 3832. Mrs. HUTCHISON 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 3833. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3834. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3835. Mrs. BOXER submitted an amendment intended to be proposed to amendment

SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3836. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3837. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3714 proposed by Mrs. MURRAY (for Mr. HARKIN) to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3838. Mr. KOHL 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 3839. Mr. KOHL 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 3840. Mr. JEFFORDS 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 3841. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3842. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3843. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3844. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3845. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3846. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3847. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3848. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3849. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3688 submitted by Mr. KENNEDY to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3850. Mr. WYDEN (for himself, Mr. KYL, Mr. LIEBERMAN, Ms. SNOWE, Mr. LAUTENBERG, and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3665 proposed by Mr. WYDEN to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3851. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3593 submitted by Ms. LANDRIEU and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3852. Mr. LIEBERMAN (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3853. Mr. OBAMA (for himself, Mr. COBURN, and Mr. KENNEDY) 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 3854. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3816 submitted by Mrs. BOXER and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3855. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 3717 submitted by Mr. BIDEN and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3856. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3857. Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3613 submitted by Mr. VOINOVICH (for himself, Mr. OBAMA, Mr. DEWINE, Mr. LEVIN, Ms. STABENOW, Mr. DURBIN, and Mr. DAYTON) and intended to be proposed to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3858. Mr. ENSIGN (for Mr. MCCAIN) proposed an amendment to the bill S. 1003, to amend the Act of December 22, 1974, and for other purposes.

SA 3859. Mr. ENSIGN (for Mr. MCCAIN) proposed an amendment to amendment SA 3858 proposed by Mr. ENSIGN (for Mr. MCCAIN) to the bill S. 1003, supra.

#### TEXT OF AMENDMENTS

**SA 3825.** Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3627 submitted by Mr. VITTER 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 the amendment, add the following:

(c) The amendments made by subsections (a) and (b) shall be effective for the period beginning on the date of enactment of this Act and ending on October 1, 2008.

**SA 3826.** Mr. MCCAIN 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 229, strike lines 5 through 14.

**SA 3827.** Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3776 submitted by Mr. KOHL and intended to be proposed 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:

Beginning on page 1 of the amendment, strike line 3 and all that follows through the end and insert the following:

On page 207, between lines 15 and 16, insert the following:

(2) **NONINSURED PRODUCERS.**—Except as provided in paragraph (3), for producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

On page 207, line 16, strike “(2)” and insert “(3)”.

Beginning on page 211, strike line 10 and all that follows through page 213, line 14.

On page 213, line 15, strike “(f)” and insert “(e)”.

On page 230, strike lines 6 through 18 and insert the following:

**SEC. 3022. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.**

(a) **IN GENERAL.**—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) 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.); or

(2) any dairy producer that was eligible to receive a payment during the 2005 calendar year under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982).

(b) **AMOUNT.**—

(1) **COVERED COMMODITIES.**—Subject to paragraph (3), the amount of a payment made to a producer on a farm under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) 30 percent of the direct payment rate in effect for the program crop of the farmer;

(B) 85 percent of the program crop base of the farmer; and

(C) the program payment yield for each program crop of the farmer.

(2) **DAIRY PAYMENTS.**—

(A) **DISTRIBUTION.**—Payments under subsection (a)(2) shall be distributed in a manner that is consistent with section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

(B) **MAXIMUM AMOUNT.**—Subject to paragraph (3), the total amount available for payments under subsection (a)(2) shall not exceed \$147,000,000.

(3) **OVERALL LIMITATION.**—The Secretary shall ensure that no person receives payments under subsection (a) in excess of the per person limitations applicable to producers that receive payments under subsection (a)(1).

On page 233, strike lines 3 through line 11. On page 233 line 12, strike “3043” and insert “3042”.

**SA 3828.** Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3776 submitted by Mr. KOHL and intended to be proposed 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:

Beginning on page 1 of the amendment, strike line 3 and all that follows through the end and insert the following:

On page 207, between lines 15 and 16, insert the following:

(2) **NONINSURED PRODUCERS.**—Except as provided in paragraph (3), for producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

On page 207, line 16, strike “(2)” and insert “(3)”.

Beginning on page 211, strike line 10 and all that follows through page 213, line 14.

On page 213, line 15, strike “(f)” and insert “(e)”.

Beginning on page 228, strike line 4 and all that follows through page 230, line 18 and insert the following:

**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;
- (F) peanuts; or
- (G) dairy.

(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 \$49,500,000 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 and livestock production of the United States for the 2004 crop year, as determined by the Secretary; by

(2) \$49,500,000.

(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.**

(a) **IN GENERAL.**—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) 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.); or

(2) any dairy producer that was eligible to receive a payment during the 2005 calendar year under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982).

(b) **AMOUNT.**—

(1) **COVERED COMMODITIES.**—Subject to paragraph (3), the amount of a payment made to a producer on a farm under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) 30 percent of the direct payment rate in effect for the program crop of the farmer;

(B) 85 percent of the program crop base of the farmer; and

(C) the program payment yield for each program crop of the farmer.

(2) **DAIRY PAYMENTS.**—

(A) **DISTRIBUTION.**—Payments under subsection (a)(2) shall be distributed in a manner that is consistent with section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

(B) **MAXIMUM AMOUNT.**—Subject to paragraph (3), the total amount available for payments under subsection (a)(2) shall not exceed \$172,000,000.

(3) **OVERALL LIMITATION.**—The Secretary shall ensure that no person receives payments under subsection (a) in excess of the per person limitations applicable to producers that receive payments under subsection (a)(1).

On page 233, strike lines 3 through line 11.

On page 233 line 12, strike “3043” and insert “3042”.

**SA 3829.** Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3635 submitted by Mr. ALLEN (for himself and Mr. BURR) and intended to be proposed 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 3, line 23, strike “including any” and insert the following: “including—

“(aa) ethanol, when blended into gasoline in a concentration of 20 percent by volume; and

“(bb) any

**SA 3830.** Mr. MCCAIN 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:

Beginning on page 224, strike line 23 through line 10 on page 225.

**SA 3831.** Mrs. HUTCHISON 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:

Strike all in the pending amendment and insert in lieu thereof:

“That for states in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) on September 24, 2005, as a result of Hurricane Rita, each county or

parish eligible for individual and public assistance under such declaration in such States will be treated equally for purposes of cost-share adjustments under such Act, to account for the impact in those counties and parishes of Hurricanes Rita and Katrina."

**SA 3832.** Mrs. HUTCHISON 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 the amendment, insert the following:

"That for states in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) on September 24, 2005, as a result of Hurricane Rita, each county or parish eligible for individual and public assistance under such declaration in such States will be treated equally for purposes of cost-share adjustments under such Act, to account for the impact in those counties and parishes of Hurricanes Rita and Katrina."

**SA 3833.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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, insert the following:

TAX CREDIT FOR VEHICLES WITH HIGH FUEL ECONOMY

SEC. . For purposes of the Internal Revenue Code of 1986, there shall be allowed as credit against the tax imposed during the taxable year in which the vehicle is placed in service an amount of \$1000 for purchase of a vehicle that obtains a minimum fuel economy of 45 miles per gallon.

**SA 3834.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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, insert the following:

INVESTIGATION OF GASOLINE PRICES

SEC. 7032. (a) IN GENERAL.—If, based on weekly data published by the Energy Information Administration of the Department of Energy, the average price of regular grade gasoline in a State increases 20 percent or more for at least 7 days during any 3-month period, the Federal Trade Commission shall initiate an investigation into the retail price of gasoline in that State to determine if the price of gasoline is being artificially manipulated by reducing refinery capacity or by any other form of manipulation.

(b) REPORT.—Not later than 14 days after the initiation of the investigation described in subsection (a), the Federal Trade Commission shall report to Congress the results of the investigation.

(c) PUBLIC MEETING.—Not later than 14 days after issuing the report described in subsection (b), the Federal Trade Commission shall hold a public hearing in the State in which the retail price of gasoline was investigated as described in subsection (a) for the purpose of presenting the results of the investigation.

(d) ACTION ON PRICE INCREASE.—

(1) FINDING OF MARKET MANIPULATION.—If the Federal Trade Commission determines that the increase in gasoline prices in a State is a result of market manipulation, the Federal Trade Commission shall, in cooperation with the Attorney General of that State, take appropriate action.

(2) NO FINDING OF MARKET MANIPULATION.—If the Federal Trade Commission determines that the increase in gasoline prices in a State is not the result of market manipulation, the Federal Trade Commission shall notify the Secretary of Energy, who shall, within 2 weeks of such notification, decide if the Strategic Petroleum Reserve should be used to assure adequate supplies of gasoline.

(e) TERMINATION.—This section shall cease to apply on the date that is 5 years after the date of enactment of this Act.

**SA 3835.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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, insert the following:

FUEL ASSISTANCE FROM OIL COMPANIES PROVIDING HIGH EMPLOYEE BONUS OR RETIREMENT PACKAGES

SEC. 7 . (a) In this section, the term "large integrated oil company" means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) that—

(1) has gross receipts in excess of \$1,000,000 for the taxable year; and

(2) has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year.

(b) Notwithstanding any other provision of law, if a large integrated oil company provides to an officer or employee of the large integrated oil company a salary, bonus or retirement package of more than \$50,000,000, the large integrated oil company shall pay an equal amount into the Low Income Home Energy Assistance Program.

**SA 3836.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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, insert the following:

FUEL-EFFICIENT VEHICLES

SEC. . (a) None of the funds made available in this Act may be used to purchase a vehicle for the Federal government that is not fuel-efficient to the greatest extent possible, consistent with other federal laws.

(b) Not later than 6 months after the date of the enactment of this Act, the President shall submit to Congress a report on the number and type of vehicles purchased by the Federal government, including the fuel economy of such vehicles.

**SA 3837.** Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3714 proposed by Mrs. MURRAY (for Mr. HARKIN) 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:

In lieu of the matter proposed to be inserted, insert the following:

UNITED STATES INSTITUTE OF PEACE PROGRAMS IN IRAQ AND AFGHANISTAN

SEC. 1406. (a)(1) The amount appropriated by this chapter for other bilateral assistance under the heading "ECONOMIC SUPPORT FUND" is hereby increased by \$8,500,000.

(2) The amount made available under paragraph (1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(b) Of the amount appropriated by this chapter for other bilateral assistance under the heading "ECONOMIC SUPPORT FUND", as increased by subsection (a), \$8,500,000 shall be made available to the United States Institute of Peace for programs in Iraq and Afghanistan.

(c) Of the funds made available by chapter 2 of title II of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005" (Public Law 109-13) for military assistance under the heading "PEACEKEEPING OPERATIONS" and available for the Coalition Solidarity Initiative, \$8,500,000 is rescinded.

**SA 3838.** Mr. KOHL 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 end of the amendment add the following:

On page 207, lines 5 and 6, strike "paragraph (2)" and insert "paragraphs (2) and (3)".

On page 207, between lines 15 and 16, insert the following:

(2) NONINSURED PRODUCERS.—Except as provided in paragraph (3), for producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

On page 207, line 16, strike "(2)" and insert "(3)".

Beginning on page 211, strike line 10 and all that follows through page 213, line 14.

On page 213, line 15, strike "(f)" and insert "(e)".

On page 230, strike lines 6 through 18 and insert the following:

SEC. 3022. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) 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.); or

(2) any dairy producer that was eligible to receive a payment during the 2005 calendar year under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982).

(b) AMOUNT.—

(1) COVERED COMMODITIES.—Subject to paragraph (3), the amount of a payment made to a producer on a farm under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) 30 percent of the direct payment rate in effect for the program crop of the farmer;

(B) 85 percent of the program crop base of the farmer; and

(C) the program payment yield for each program crop of the farmer.

(2) DAIRY PAYMENTS.—

(A) DISTRIBUTION.—Payments under subsection (a)(2) shall be distributed in a manner that is consistent with section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

(B) MAXIMUM AMOUNT.—Subject to paragraph (3), the total amount available for payments under subsection (a)(2) shall not exceed \$147,000,000.

(3) OVERALL LIMITATION.—The Secretary shall ensure that no person receives payments under subsection (a) in excess of the per person limitations applicable to producers that receive payments under subsection (a)(1).

On page 233, strike lines 3 through line 11.

On page 233 line 12, strike “3043” and insert “3042”.

**SA 3839.** Mr. KOHL 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 end of the amendment add the following:

On page 207, lines 5 and 6, strike “paragraph (2)” and insert “paragraphs (2) and (3)”.

On page 207, between lines 15 and 16, insert the following:

(2) NONINSURED PRODUCERS.—Except as provided in paragraph (3), for producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

On page 207, line 16, strike “(2)” and insert “(3)”.

Beginning on page 211, strike line 10 and all that follows through page 213, line 14.

On page 213, line 15, strike “(f)” and insert “(e)”.

Beginning on page 228, strike line 4 and all that follows through page 230, line 18 and insert the following:

**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;
- (F) peanuts; or

(G) dairy.

(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 \$49,500,000 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 and livestock production of the United States for the 2004 crop year, as determined by the Secretary; by

(2) \$49,500,000.

(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.**

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) 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.); or

(2) any dairy producer that was eligible to receive a payment during the 2005 calendar year under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982).

(b) AMOUNT.—

(1) COVERED COMMODITIES.—Subject to paragraph (3), the amount of a payment made to a producer on a farm under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) 30 percent of the direct payment rate in effect for the program crop of the farmer;

(B) 85 percent of the program crop base of the farmer; and

(C) the program payment yield for each program crop of the farmer.

(2) DAIRY PAYMENTS.—

(A) DISTRIBUTION.—Payments under subsection (a)(2) shall be distributed in a manner that is consistent with section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

(B) MAXIMUM AMOUNT.—Subject to paragraph (3), the total amount available for payments under subsection (a)(2) shall not exceed \$172,000,000.

(3) OVERALL LIMITATION.—The Secretary shall ensure that no person receives payments under subsection (a) in excess of the per person limitations applicable to producers that receive payments under subsection (a)(1).

On page 233, strike lines 3 through line 11.

On page 233 line 12, strike “3043” and insert “3042”.

**SA 3840.** Mr. JEFFORDS 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 end of the amendment, insert the following text:

**SEC. FEDERAL AND CAPITOL COMPLEX FLEET REQUIREMENTS.**

(a) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Energy shall issue regulations for Federal fleets subject to the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.) requiring that not later than fiscal year 2016 each Federal agency achieve at least a 30 percent reduction in petroleum consumption, as calculated from the baseline established by the Secretary for fiscal year 1999.

(2) REQUIREMENT.—Not later than fiscal year 2016, of the Federal vehicles required to be alternative fueled vehicles under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.), at least 30 percent shall be hybrid motor vehicles (including plug-in hybrid motor vehicles) or new advanced lean burn technology motor vehicles (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986).

(b) INCLUSION OF ELECTRIC DRIVE IN ENERGY POLICY ACT OF 1992.—Section 508(a) of the Energy Policy Act of 1992 (42 U.S.C. 13258(a)) is amended—

(1) by inserting “(1)” before “The Secretary”; and

(2) by adding at the end the following:

“(2) Not later than January 31, 2007, the Secretary shall—

“(A) allocate credit in an amount to be determined by the Secretary for—

“(i) acquisition of—

“(I) a light-duty hybrid electric vehicle;

“(II) a plug-in hybrid electric vehicle;

“(III) a fuel cell electric vehicle;

“(IV) a medium- or heavy-duty hybrid electric vehicle;

“(V) a neighborhood electric vehicle; or

“(VI) a medium- or heavy-duty dedicated vehicle; and

“(ii) investment in qualified alternative fuel infrastructure or nonroad equipment, as determined by the Secretary; and

“(B) allocate more than 1, but not to exceed 5, credits for investment in an emerging technology relating to any vehicle described in subparagraph (A) to encourage—

“(i) a reduction in petroleum demand;

“(ii) technological advancement; and

“(iii) enhanced environmental performance and compliance with federal environmental law.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (including the amendments made by subsection (b)) \$10,000,000 for the period of fiscal years 2007 through 2012.

**SEC. CAPITOL COMPLEX VEHICLES**

(a) STUDY ON TRANSPORTATION INFRASTRUCTURE.—The Architect of the Capitol, building on the Master Plan Study completed in July 2000, shall conduct a study to evaluate accelerated procurement of hybrid and alternative fueled vehicles under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.) as amended by this Act for use in the Capitol Complex and determine how the existing transportation system could be augmented to become more energy efficient, use hybrid and alternative fueled vehicles and other unconventional and renewable fuels, in a way that would enable the conduct of routine maintenance and provide for additional transport for Members of Congress and staff

between locations in the Complex. Such study should seek to ensure that no fewer than 30 percent of the vehicles in the Capitol Complex are hybrid and alternative fueled vehicles by 2010, and may set a more aggressive procurement goal as practicable.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Architect of the Capitol shall transmit to Congress a report containing the results of the study conducted under subsection (a).

(c) AUTHORIZATION.—There are authorized to be appropriated to the Architect of the Capitol such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

**SA 3841.** Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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:

Beginning on page 31 of the amendment, strike line 15 and all that follows through page 33, line 16.

**SA 3842.** Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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:

Beginning on page 16 of the amendment, strike line 3 and all that follows through page 17, line 4.

**SA 3843.** Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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 p. 4, line 17 of the amendment, insert the following section:

**SEC. . CREDIT FOR EQUIPMENT FOR PROCESSING OR SORTING MATERIALS GATHERED THROUGH RECYCLING.**

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code (relating to business-related credits), as amended by the Energy Policy Act of 2005 (Public Law 109-58), is amended by adding at the end the following new section:

**“SEC. 45M. CREDIT FOR QUALIFIED RECYCLING EQUIPMENT.**

“(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the qualified recycling equipment credit determined under this section for the taxable year is an amount equal to the amount paid or incurred during the taxable year for the cost of qualified recycling equipment placed in service or leased by the taxpayer.

“(b) LIMITATION.—The amount allowable as a credit under subsection (a) with respect to any qualified recycling equipment shall not exceed—

“(1) in the case of such equipment described in subsection (c)(1)(A)(i), 15 percent of the cost of such equipment, and

“(2) in the case of such equipment described in subsection (c)(1)(A)(ii), 15 percent of so much of the cost of each piece of equipment as exceeds \$400,000.

“(c) DEFINITIONS.—For purposes of this section—

“(1) QUALIFIED RECYCLING EQUIPMENT.—

“(A) IN GENERAL.—The term ‘qualified recycling equipment’ means equipment, including connecting piping—

“(i) employed in sorting or processing residential and commercial qualified recyclable materials described in paragraph (2)(A) for the purpose of converting such materials for use in manufacturing tangible consumer products, including packaging, or

“(ii) the primary purpose of which is the shredding and processing of qualified recyclable materials described in paragraph (2)(B).

“(B) EQUIPMENT AT COMMERCIAL OR PUBLIC VENUES INCLUDED.—For purposes of subparagraph (A)(i), such term includes equipment which is utilized at commercial or public venues, including recycling collection centers, where the equipment is utilized to sort or process qualified recyclable materials for such purpose.

“(C) EXCLUSION.—Such term does not include rolling stock or other equipment used to transport recyclable materials.

“(2) QUALIFIED RECYCLABLE MATERIALS.—The term ‘qualified recyclable materials’ means—

“(A) any packaging or printed material which is glass, paper, plastic, steel, or aluminum, and

“(B) any electronic waste (including any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or a central processing unit),

generated by an individual or business and which has been separated from solid waste for the purposes of collection and recycling.

“(3) PROCESSING.—The term ‘processing’ means the preparation of qualified recyclable materials into feedstock for use in manufacturing tangible consumer products.

“(d) AMOUNT PAID OR INCURRED.—For purposes of this section—

“(1) IN GENERAL.—The term ‘amount paid or incurred’ includes installation costs.

“(2) LEASE PAYMENTS.—In the case of the leasing of qualified recycling equipment by the taxpayer, the term ‘amount paid or incurred’ means the amount of the lease payments due to be paid during the term of the lease occurring during the taxable year other than such portion of such lease payments attributable to interest, insurance, and taxes.

“(3) GRANTS, ETC. EXCLUDED.—The term ‘amount paid or incurred’ shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

“(e) OTHER TAX DEDUCTIONS AND CREDITS AVAILABLE FOR PORTION OF COST NOT TAKEN INTO ACCOUNT FOR CREDIT UNDER THIS SECTION.—No deduction or other credit under this chapter shall be allowed with respect to the amount of the credit determined under this section.

“(f) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any amount paid or incurred with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.”

(b) CONFORMING AMENDMENTS—

(1) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38, as

amended by this Act, is amended by striking “plus” at the end of paragraph (21), by striking the period at the end of paragraph (22) and inserting “, plus”, and by adding at the end the following new paragraph:

“(23) the qualified recycling equipment credit determined under section 45M(a).”

(2) Subsection (a) of section 1016, as amended by this Act, is amended by striking “and” at the end of paragraph (37), by striking the period at the end of paragraph (38) and inserting “; and”, and by adding at the end the following new paragraph:

“(39) to the extent provided in section 45M(f), in the case of amounts with respect to which a credit has been allowed under section 45M.”

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 45L the following new item:

“Sec. 45M. Credit for qualified recycling equipment.”

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

**SA 3844.** Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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 p. 4, line 17 of the amendment, insert the following section:

**“SEC. . CREDIT FOR EQUIPMENT FOR PROCESSING OR SORTING MATERIALS GATHERED THROUGH RECYCLING.**

(a) IN GENERAL.—Subpart IV of part H of subchapter A of chapter 1 of the Internal Revenue Code (relating to business-related credits), as amended by the Energy Policy Act of 2005 (Public Law 109-58), is amended by adding at the end the following new section:

**“SEC. 45M. CREDIT FOR QUALIFIED RECYCLING EQUIPMENT.**

“(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the qualified recycling equipment credit determined under this section for the taxable year is an amount equal to the amount paid or incurred during the taxable year for the cost of qualified recycling equipment placed in service or leased by the taxpayer.

“(b) LIMITATION.—The amount allowable as a credit under subsection (a) with respect to any qualified recycling equipment shall not exceed—

“(1) in the case of such equipment described in subsection (c)(1)(A)(i), 15 percent of the cost of such equipment, and

“(2) in the case of such equipment described in subsection (c)(1)(A)(ii), 15 percent of so much of the cost of each piece of equipment as exceeds \$400,000.

“(c) DEFINITIONS.—For purposes of this section—

“(1) QUALIFIED RECYCLING EQUIPMENT.—

“(A) IN GENERAL.—The term ‘qualified recycling equipment’ means equipment, including connecting piping—

“(i) employed in sorting or processing residential and commercial qualified recyclable materials described in paragraph (2)(A) for the purpose of converting such materials for use in manufacturing tangible consumer products, including packaging, or

“(ii) the primary purpose of which is the shredding and processing of qualified recyclable materials described in paragraph (2)(B).

“(B) EQUIPMENT AT COMMERCIAL OR PUBLIC VENUES INCLUDED.—For purposes of subparagraph (A)(i), such term includes equipment which is utilized at commercial or public venues, including recycling collection centers, where the equipment is utilized to sort or process qualified recyclable materials for such purpose.

“(C) EXCLUSION.—Such term does not include rolling stock or other equipment used to transport recyclable materials.

“(2) QUALIFIED RECYCLABLE MATERIALS.—The term ‘qualified recyclable materials’ means—

“(A) any packaging or printed material which is glass, paper, plastic, steel, or aluminum, and

“(B) any electronic waste (including any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or a central processing unit),

generated by an individual or business and which has been separated from solid waste for the purposes of collection and recycling.

“(3) PROCESSING.—The term ‘processing’ means the preparation of qualified recyclable materials into feedstock for use in manufacturing tangible consumer products.

“(d) AMOUNT PAID OR INCURRED.—For purposes of this section—

“(1) IN GENERAL.—The term ‘amount paid or incurred’ includes installation costs.

“(2) LEASE PAYMENTS.—In the case of the leasing of qualified recycling equipment by the taxpayer, the term ‘amount paid or incurred’ means the amount of the lease payments due to be paid during the term of the lease occurring during the taxable year other than such portion of such lease payments attributable to interest, insurance, and taxes.

“(3) GRANTS, ETC. EXCLUDED.—The term ‘amount paid or incurred’ shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

“(e) OTHER TAX DEDUCTIONS AND CREDITS AVAILABLE FOR PORTION OF COST NOT TAKEN INTO ACCOUNT FOR CREDIT UNDER THIS SECTION.—No deduction or other credit under this chapter shall be allowed with respect to the amount of the credit determined under this section.

“(f) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any amount paid or incurred with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.”

(b) CONFORMING AMENDMENTS.—

(1) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38, as amended by this Act, is amended by striking “plus” at the end of paragraph (21), by striking the period at the end of paragraph (22) and inserting “, plus”, and by adding at the end the following new paragraph:

“(23) the qualified recycling equipment credit determined under section 45M(a).”

(2) Subsection (a) of section 1016, as amended by this Act, is amended by striking “and” at the end of paragraph (37), by striking the period at the end of paragraph (38) and inserting “; and”, and by adding at the end the following new paragraph:

“(39) to the extent provided in section 45M(t), in the case of amounts with respect to which a credit has been allowed under section 45M.”

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 45L the following new item:

“Sec. 45M. Credit for qualified recycling equipment.”

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

**SA 3845.** Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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:

Beginning on page 31 of the amendment, strike line 15 and all that follows through page 33, line 16, and on page 47 of the amendment strike line 18 and all that follows through page 49, line 4.

**SA 3846.** Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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:

Beginning on page 31 of the amendment, strike line 15 and all that follows through page 33, line 16.

**SA 3847.** Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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:

Beginning on page 16 of the amendment, strike line 3 and all that follows through page 17, line 4.

**SA 3848.** Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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 the amendment, insert the following text:

**SEC. . FEDERAL AND CAPITOL COMPLEX FLEET REQUIREMENTS.**

(a) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Energy shall issue regulations for Federal fleets subject to the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.) requiring that not later than fiscal year 2016 each Federal agency achieve at least a 30 percent reduction in petroleum consumption, as calculated from the baseline established by the Secretary for fiscal year 1999.

(2) REQUIREMENT.—Not later than fiscal year 2016, of the Federal vehicles required to be alternative fueled vehicles under title V

of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.), at least 30 percent shall be hybrid motor vehicles (including plug-in hybrid motor vehicles) or new advanced lean burn technology motor vehicles (as defined in section 30B(c)(3) of the Internal Revenue Code of 1986).

(b) INCLUSION OF ELECTRIC DRIVE IN ENERGY POLICY ACT OF 1992.—Section 508(a) of the Energy Policy Act of 1992 (42 U.S.C. 13258(a)) is amended—

(1) by inserting “(1)” before “The Secretary”; and

(2) by adding at the end the following:

“(2) Not later than January 31, 2007, the Secretary shall—

“(A) allocate credit in an amount to be determined by the Secretary for—

“(i) acquisition of—

“(I) a light-duty hybrid electric vehicle;

“(II) a plug-in hybrid electric vehicle;

“(III) a fuel cell electric vehicle;

“(IV) a medium- or heavy-duty hybrid electric vehicle;

“(V) a neighborhood electric vehicle; or

“(VI) a medium- or heavy-duty dedicated vehicle; and

“(ii) investment in qualified alternative fuel infrastructure or nonroad equipment, as determined by the Secretary; and

“(B) allocate more than I, but not to exceed 5, credits for investment in an emerging technology relating to any vehicle described in subparagraph (A) to encourage—

“(i) a reduction in petroleum demand;

“(ii) technological advancement; and

“(iii) enhanced environmental performance and compliance with federal environmental law.”

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (including the amendments made by subsection (b)) \$10,000,000 for the period of fiscal years 2007 through 2012.

**SEC. CAPITOL COMPLEX VEHICLES.**

(a) STUDY ON TRANSPORTATION INFRASTRUCTURE.—The Architect of the Capitol, building on the Master Plan Study completed in July 2000, shall conduct a study to evaluate accelerated procurement of hybrid and alternative fueled vehicles under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.) as amended by this Act for use in the Capitol Complex and determine how the existing transportation system could be augmented to become more energy efficient, use hybrid and alternative fueled vehicles and other unconventional and renewable fuels, in a way that would enable the conduct of routine maintenance and provide for additional transport for Members of Congress and staff between locations in the Complex. Such study should seek to ensure that no fewer than 30 percent of the vehicles in the Capitol Complex are hybrid and alternative fueled vehicles by 2010, and may set a more aggressive procurement goal as practicable.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Architect of the Capitol shall transmit to Congress a report containing the results of the study conducted under subsection (a).

(c) AUTHORIZATION.—There are authorized to be appropriated to the Architect of the Capitol such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

**SA 3849.** Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3688 submitted by Mr. KENNEDY 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 the amendment, add the following:

SEC. \_\_\_\_\_. Of the funds provided in this chapter for the Economic Support Fund, not less than \$106,000,000 should be made available for the purpose of supporting democracy programs in Iraq.

**SA 3850.** Mr. WYDEN (for himself, Mr. KYL, Mr. LIEBERMAN, Ms. SNOWE, Mr. LAUTENBERG, and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3665 proposed by Mr. WYDEN 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:

In lieu of the matter proposed to be inserted, insert the following:

PROHIBITION OF FUNDS FOR OIL AND NATURAL GAS ROYALTY RELIEF

SEC. 7032. (a) No funds made available under this Act or any other Act for any fiscal year for royalty and offshore minerals management may be used by the Secretary of the Interior to provide relief from a requirement to pay a royalty for the production of oil or natural gas from Federal land during any year in which—

(1) for the production of oil, the arithmetic average of the closing prices on the New York Mercantile Exchange for light sweet crude oil is greater than \$55 a barrel; and

(2) for the production of natural gas, the arithmetic average of the closing prices on the New York Mercantile Exchange for natural gas is greater than \$10 per million British thermal units.

(b) In administering funds made available for royalty or offshore minerals management, the Secretary of the Interior may waive or specify alternative requirements if the Secretary of the Interior determines that royalty relief is necessary to avoid oil or natural gas supply disruptions as a consequence of hurricanes or other natural disasters.

**SA 3851.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3593 submitted by Ms. LANDRIEU and intended to be proposed 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:

In lieu of the matter proposed to be added, add the following:

CHAPTER \_\_\_\_\_

FLEXIBILITY IN HURRICANE EDUCATION FUNDING

SEC. \_\_\_\_\_. Notwithstanding any other provision of law, the Director of the Federal Emergency Management Agency, in providing assistance to entities located in Louisiana that are seeking reimbursement for damages incurred to public schools due to the effects of Hurricane Katrina or Hurricane Rita, shall provide the aggregate amount of such assistance directly to the State educational agency serving Louisiana to enable such agency to pay for expenses related to school reconstruction, renovation, or repair, as determined appropriate by such agency.

**SA 3852.** Mr. LIEBERMAN (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to

amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY Mr. STEVENS) and intended to be proposed 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:

Beginning on page 29 of the amendment, strike line 17 and all that follows through page 54, line 25.

**SA 3853.** Mr. OBAMA (for himself, Mr. COBURN, and Mr. KENNEDY) 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 end of the amendment, add the following:

ACCOUNTABILITY IN HURRICANE RECOVERY CONTRACTING

SEC. 7032. None of the funds appropriated by this Act that are made available for relief and recovery efforts related to Hurricane Katrina and the other hurricanes of the 2005 season may be used by an executive agency to enter into any Federal contract exceeding \$500,000 through the use of procedures other than competitive procedures as required by the Federal Acquisition Regulation and, as applicable, section 303(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(a)) or section 2304(a) of title 10, United States Code.

**SA 3854.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3816 submitted by Mrs. BOXER and intended to be proposed 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:

In lieu of the matter proposed to be inserted, insert the following:

SENSE OF SENATE ON ESTABLISHMENT OF DEPARTMENT OF DEFENSE TASK FORCE ON MENTAL HEALTH

SEC. \_\_\_\_\_. It is the sense of the Senate that the Secretary of Defense should comply with section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3348) and immediately establish, and appoint the members of, the Department of Defense task force on mental health required pursuant to that section.

**SA 3855.** Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 3717 submitted by Mr. BIDEN and intended to be proposed 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:

In lieu of the matter proposed to be inserted, insert the following:

On page 253, between lines 19 and 20, insert the following:

PROHIBITION ON USE OF FUNDS FOR CERTAIN PURPOSES IN IRAQ

SEC. 7032. None of the funds made available by title I of this Act may be made available to establish permanent United States mili-

tary bases in Iraq, or to exercise United States control over the oil infrastructure or oil resources of Iraq.

**SA 3856.** Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3700 submitted by Mr. DOMENICI (for himself, Mr. GRASSLEY, and Mr. STEVENS) and intended to be proposed 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:

Beginning on page 31 of the amendment, strike line 15 and all that follows through page 33, line 16, and on page 47 of the amendment strike line 18 and all that follows through page 49, line 4.

**SA 3857.** Mr. JEFFORDS submitted an amendment intended to be proposed to amendment SA 3613 submitted by Mr. VOINOVICH (for himself, Mr. OBAMA, Mr. DEWINE, Mr. LEVIN, Ms. STABENOW, Mr. DURBIN, and Mr. DAYTON) and intended to be proposed 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 the matter proposed to be inserted, add the following: "Provided further, That, of the amount provided under this heading, \$500,000 shall be made available for the construction, operation, and maintenance, at full Federal expense, of a dispersal barrier project at the Lake Champlain Canal, Vermont.

**SA 3858.** Mr. ENSIGN (for Mr. MCCAIN) proposed an amendment to the bill S. 1003, to amend the Act of December 22, 1974, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Navajo-Hopi Land Settlement Amendments of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Effect of Act.

TITLE I—AMENDMENTS TO THE ACT OF DECEMBER 22, 1974

Sec. 101. Repeal of sections.

Sec. 102. Definitions; division of land.

Sec. 103. Joint ownership of minerals.

Sec. 104. Actions.

Sec. 105. Paiute Indian allotments.

Sec. 106. Partitioned and other designated land.

Sec. 107. Resettlement land for Navajo Tribe.

Sec. 108. Office of Navajo and Hopi Indian Relocation.

Sec. 109. Report.

Sec. 110. Relocation of households and members.

Sec. 111. Relocation housing.

Sec. 112. Payment for use of land.

Sec. 113. Effect of Act.

Sec. 114. Actions for accounting, fair value of grazing, and claims for damages to land.

Sec. 115. Joint use.

Sec. 116. Religious ceremonies; piping of water.

- Sec. 117. Access to religious shrines.  
 Sec. 118. Exclusion of Payments from certain Federal determinations of income.  
 Sec. 119. Authorization of exchange.  
 Sec. 120. Severability.  
 Sec. 121. Authorization of appropriations.  
 Sec. 122. Discretionary fund.  
 Sec. 123. Attorney fees and court costs.  
 Sec. 124. Lobbying.  
 Sec. 125. Navajo Rehabilitation Trust Fund.  
 Sec. 126. Availability of Funds for relocation assistance.

#### TITLE II—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

- Sec. 201. Definitions.  
 Sec. 202. Transfer of functions.  
 Sec. 203. Personnel provisions.  
 Sec. 204. Delegation and assignment.  
 Sec. 205. Reorganization.  
 Sec. 206. Rules.  
 Sec. 207. Transfer and allocations of appropriations and personnel.  
 Sec. 208. Incidental transfers.  
 Sec. 209. Effect on personnel.  
 Sec. 210. Separability.  
 Sec. 211. Transition.  
 Sec. 212. Report.  
 Sec. 213. References.  
 Sec. 214. Additional conforming amendment.  
 Sec. 215. Effect of title.  
 Sec. 216. Effective date.

#### TITLE III—PERSONNEL OF THE OFFICE OF NAVAJO AND HOPI RELOCATION

- Sec. 301. Separation pay.  
 Sec. 302. Federal retirement.

#### SEC. 2. FINDINGS.

Congress finds that—

(1) the Act of December 22, 1974 (25 U.S.C. 640d et seq.) (commonly known as the "Navajo-Hopi Land Settlement Act of 1974") was enacted to address the century-long land disputes between the Navajo Tribe and the Hopi Tribe and to establish a relocation process to remove, by December 31, 1986, Navajos and Hopis from land allocated to the other tribe by requiring the filing of a relocation plan;

(2) the Office of Navajo and Hopi Relocation was established in 1988 as a temporary independent agency to implement a 1981 relocation plan under that Act to relocate eligible families that lived on disputed land as of December 22, 1974;

(3) the relocation process has been plagued with controversy and delay, and Congress has had to amend the Act several times to authorize the expansion of original relocation activity and to provide additional appropriations for the implementation of relocation activities;

(4) the Office of Navajo and Hopi Indian Relocation has reviewed over 4,600 applications, considered numerous appeals, provided relocation homes for over 3,600 families;

(5) the Office of Navajo and Hopi Indian Relocation has provided financial assistance and technical support to the Navajo Tribe and the Hopi Tribe to address the impacts of relocation, including the operation of livestock grazing programs and resources to assist in the resettlement of individuals;

(6) individual Navajos and Hopis have had over 20 years during which to apply for and receive relocation benefits or to appeal a finding of ineligibility through the Office of Navajo and Hopi Relocation and in Federal district court; and

(7) the Office of Navajo and Hopi Relocation has had sufficient time in which to notify potential eligible applicants of the opportunity to receive relocation benefits, to certify that specific individuals qualify for such benefits, and to provide eligible individuals with replacement housing, counseling, and other assistance to adapt to relocation on Indian land or within non-Indian communities.

#### SEC. 3. EFFECT OF ACT.

Nothing in this Act, or an amendment made by this Act—

(1) limits or otherwise affects any determination of a court, including a determination relating to an action pending as of the date of enactment of this Act, relating to a dispute of the Navajo Indian tribe or the Hopi Indian tribe with respect to—

(A) land; or

(B) any settlement agreement; or

(2) authorizes any cause of action not in existence on the day before the date of enactment of this Act.

#### TITLE I—AMENDMENTS TO THE ACT OF DECEMBER 22, 1974

##### SEC. 101. REPEAL OF SECTIONS.

(a) IN GENERAL.—The Act of December 22, 1974 (25 U.S.C. 640d et seq.), is amended in the first undesignated section by striking "That, (a) within" and all that follows through the end of the section.

(b) ADDITIONAL REPEALS.—Sections 2 through 5 and sections 26, 28, and 30 of the Act of December 22, 1974 (25 U.S.C. 640d-1 through 640d-4; 88 Stat. 1723; 25 U.S.C. 640d-26, 640d-28), are repealed.

##### SEC. 102. SHORT TITLE; DEFINITIONS.

Section 6 of the Act of December 22, 1974 (25 U.S.C. 640d-5), is amended by striking "SEC. 6. The Mediator" and all that follows through the end of the section and inserting the following:

###### "SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Navajo-Hopi Land Settlement Act'.

###### "SEC. 2. DEFINITIONS.

"In this Act:

"(1) DISTRICT COURT.—The term 'District Court' means the United States District Court for the District of Arizona.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(3) TRIBE.—The term 'Tribe' means—

"(A) the Navajo Indian Tribe; and

"(B) the Hopi Indian Tribe."

##### SEC. 103. JOINT OWNERSHIP OF MINERALS.

Section 7 of the Act of December 22, 1974 (25 U.S.C. 640d-6), is amended—

(1) by striking "SEC. 7. Partition" and inserting the following:

###### "SEC. 3. JOINT OWNERSHIP OF MINERALS.

"(a) IN GENERAL.—Partition"; and

(2) in the second sentence, by striking "All" and inserting the following:

"(b) JOINT MANAGEMENT.—All".

##### SEC. 104. ACTIONS.

Section 8 of the Act of December 22, 1974 (25 U.S.C. 640d-7), is amended—

(1) by striking "SEC. 8. (a) Either Tribe" and inserting the following:

###### "SEC. 4. ACTIONS.

"(a) ACTIONS IN DISTRICT COURT.—Either Tribe";

(2) in subsection (b)—

(A) in the first sentence, by striking "(b) Lands, if any," and inserting the following:

"(b) ALLOCATION OF LAND.—

"(1) NAVAJO RESERVATION.—Any land";

(B) in the second sentence, by striking "Lands, if any," and inserting the following:

"(2) HOPI RESERVATION.—Any land"; and

(C) in the third sentence, by striking "Any lands" and inserting the following:

"(3) JOINT AND UNDIVIDED INTERESTS.—Any land";

(3) in subsection (c)—

(A) by striking "(c)(1) Either" and inserting the following:

"(c) EXCHANGE OF LAND.—

"(1) IN GENERAL.—Either";

(B) in paragraph (2), by striking "(2) In the event" and inserting the following:

"(2) INTERESTS OF TRIBES.—If";

(C) in paragraph (3), by striking "(3) Neither" and inserting the following:

"(3) DEFENSE.—Neither"; and

(D) by striking "section 18" each place it appears and inserting "section 14";

(4) in subsection (d), by striking "(d) Nothing" and inserting the following:

"(d) EFFECT OF SECTION.—Nothing";

(5) in subsection (e), by striking "(e) The" and inserting the following:

"(e) PAYMENT OF LEGAL FEES, COURT COSTS, AND OTHER EXPENSES.—The"; and

(6) by striking subsection (f).

##### SEC. 105. PAIUTE INDIAN ALLOTMENTS.

Section 9 of the Act of December 22, 1974 (25 U.S.C. 640d-8), is amended by striking "SEC. 9. Notwithstanding" and inserting the following:

###### "SEC. 5. PAIUTE INDIAN ALLOTMENTS.

"Notwithstanding".

##### SEC. 106. PARTITIONED AND OTHER DESIGNATED LAND.

Section 10 of the Act of December 22, 1974 (25 U.S.C. 640d-9), is amended—

(1) by striking "SEC. 10. (a) Subject" and inserting the following:

###### "SEC. 6. PARTITIONED AND OTHER DESIGNATED LAND.

"(a) NAVAJO TRUST LAND.—Subject";

(2) in subsection (a), by striking "section 9 and subsection (a) of section 17" and inserting "sections 5 and 13(a)";

(3) in subsection (b)—

(A) by striking "(b) Subject" and inserting the following:

"(b) HOPI TRUST LAND.—Subject";

(B) by striking "section 9 and subsection (a) of section 17" and inserting "sections 5 and 13(a)";

(C) by inserting "(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)" after "section 3 or 4"; and

(D) by striking "section 8" and inserting "section 4";

(4) in subsection (c)—

(A) by striking "(c) The" and inserting the following:

"(c) PROTECTION OF RIGHTS AND PROPERTY.—The"; and

(B) by striking "pursuant thereto" and all that follows through the end of the subsection and inserting "pursuant to this Act";

(5) in subsection (d), by striking "(d) With" and inserting the following:

"(d) PROTECTION OF BENEFITS AND SERVICES.—With"; and

(6) in subsection (e)—

(A) by striking "(e)(1) Lands" and inserting the following:

"(e) TRIBAL JURISDICTION OVER PARTITIONED LAND.—

"(1) IN GENERAL.—Land";

(B) by adjusting the margins of subparagraphs (A) and (B) of paragraph (1) appropriately; and

(C) in the matter following subparagraph (B)—

(i) by striking "The provisions" and inserting the following:

"(2) RESPONSIBILITY OF SECRETARY.—The provisions"; and

(ii) by striking "life tenants and".

##### SEC. 107. RESETTLEMENT LAND FOR NAVAJO TRIBE.

(a) IN GENERAL.—Section 11(a) of the Act of December 22, 1974 (25 U.S.C. 640d-10(a)), is amended—

(1) by striking "SEC. 11. (a) The Secretary" and inserting the following:

###### "SEC. 7. RESETTLEMENT LAND FOR NAVAJO TRIBE.

"(a) TRANSFER OF LAND.—

"(1) IN GENERAL.—The Secretary";

(2) by striking "(1) transfer not to exceed two hundred and fifty thousand acres of lands" and inserting the following:

"(A) transfer not more than 250,000 acres of land (including any acres previously transferred under this Act)";

(3) by striking “Tribe: *Provided*, That” and all that follows through “as possible.” and inserting “Tribe; and”;

(4) in the first paragraph designated as paragraph (2)—

(A) by striking “(2) on behalf” and inserting the following:

“(B) on behalf”; and

(B) by striking the second sentence;

(5) in the matter following paragraph (1)(B) (as redesignated by paragraph (4))—

(A) in the first sentence—

(i) by striking “Subject to” and all that follows through “all rights” and inserting the following:

“(4) REQUIREMENTS OF TRANSFER.—

“(A) IN GENERAL.—Subject to this paragraph, all rights”; and

(ii) by striking “paragraph (1)” and inserting “paragraph (1)(A)”;

(B) in the second sentence, by striking “So long as” and inserting the following:

“(B) COAL LEASE APPLICATIONS.—

“(i) IN GENERAL.—If”;

(C) in the third sentence, by striking “If such adjudication” and inserting the following:

“(i) ISSUANCE OF LEASES.—If an adjudication under clause (i)”;

(D) in the fourth sentence, by striking “The leaseholders rights and interests” and inserting the following:

“(iii) RIGHTS AND INTERESTS OF LEASEHOLDERS.—The rights and interests of a holder of a lease described in clause (i)”;

(E) in the fifth sentence, by striking “If any” and inserting the following:

“(C) CLAIMS UNDER MINING LAW.—If any”;

(6) by inserting after paragraph (1)(B) (as redesignated by paragraph (4)) the following:

“(2) EXCHANGE OF LAND.—

“(A) IN GENERAL.—In order to facilitate a transfer of land under paragraph (1)(A), the Secretary may exchange land described in paragraph (1)(A) for State or private land of equal value.

“(B) UNEQUAL VALUE.—If the State or private land described in subparagraph (A) is of unequal value to the land described in paragraph (1)(A), the recipient of the land that is of greater value shall pay to the other party to the exchange under subparagraph (A) compensation in an amount not to exceed the lesser of—

“(i) the difference between the values of the land exchanged; or

“(ii) the amount that is 25 percent of the total value of the land transferred from the Secretary to the Navajo Tribe.

“(C) RESPONSIBILITY OF SECRETARY.—The Secretary shall make reasonable efforts to reduce any payment under subparagraph (B) to the lowest practicable amount.

“(3) TITLE TO LAND ACCEPTED.—The Secretary shall accept title to land under subparagraphs (A) and (B) of paragraph (1) on behalf of the United States in trust for the benefit of the Navajo Tribe as a part of the Navajo reservation.”; and

(7) in the second paragraph designated as paragraph (2)—

(A) in the first sentence—

(i) by striking “(2) Those” and inserting the following:

“(5) STATE RIGHTS.—

“(A) IN GENERAL.—The”; and

(ii) by striking “subsection 2 of this section” and inserting “paragraph (1)(B)”;

(B) in the second sentence, by striking “The” and inserting the following:

“(B) STATE INTERESTS.—The”.

(b) PROXIMITY OF LAND; EXCHANGES OF LAND.—Section 11(b) of the Act of December 22, 1974 (25 U.S.C. 640d-10(b)), is amended by striking “(b) A border” and inserting the following:

“(b) PROXIMITY OF LAND TO BE TRANSFERRED OR ACQUIRED.—A border”.

(c) SELECTION OF LAND.—Section 11(c) of the Act of December 22, 1974 (25 U.S.C. 640d-10(c)), is amended—

(1) by striking “(c) Lands” and inserting the following:

“(c) SELECTION OF LAND TO BE TRANSFERRED OR ACQUIRED.—Land”; and

(2) by striking the period at the end and inserting the following: “: *Provided further*, That the authority of the Commissioner to select lands under this subsection shall terminate on September 30, 2008.”.

(d) REPORTS.—Section 11(d) of the Act of December 22, 1974 (25 U.S.C. 640d-10(d)), is amended by striking “(d) The” and inserting the following:

“(d) REPORTS.—The”.

(e) PAYMENTS.—Section 11(e) of the Act of December 22, 1974 (25 U.S.C. 640d-10(e)), is amended by striking “(e) Payments” and inserting the following:

“(e) PAYMENTS.—Payments”.

(f) ACQUISITION OF TITLE TO SURFACE AND SUBSURFACE INTERESTS.—Section 11(f) of the Act of December 22, 1974 (25 U.S.C. 640d-10(f)), is amended—

(1) by striking “(f)(1) For” and inserting the following:

“(f) ACQUISITION OF TITLE TO SURFACE AND SUBSURFACE INTERESTS.—

“(1) IN GENERAL.—For”;

(2) in paragraph (2), by striking “(2) If” and inserting the following:

“(2) PUBLIC NOTICE; REPORT.—If”; and

(3) in paragraph (3), by striking “(3) In any case where” and inserting the following:

“(3) RIGHTS OF SUBSURFACE OWNERS.—If”.

(g) LAND NOT AVAILABLE FOR TRANSFER.—Section 11(g) of the Act of December 22, 1974 (25 U.S.C. 640d-10(g)), is amended by striking “(g) No” and inserting the following:

“(g) LAND NOT AVAILABLE FOR TRANSFER.—No”.

(h) ADMINISTRATION OF LAND TRANSFERRED OR ACQUIRED.—Section 11(h) of the Act of December 22, 1974 (25 U.S.C. 640d-10(h)), is amended—

(1) by striking “(h) The lands” and inserting the following:

“(h) ADMINISTRATION OF LAND TRANSFERRED OR ACQUIRED.—

“(1) IN GENERAL.—The land”; and

(2) by adding at the end the following:

“(2) RELOCATION.—

“(A) IN GENERAL.—In order to facilitate relocation of a member of a Tribe, the Commissioner may grant a homesite lease on land acquired under this section to a member of the extended family of a Navajo Indian who is certified as eligible to receive benefits under this Act.

“(B) EXCEPTION.—The Commissioner may not use any funds available to the Commissioner to carry out this Act to provide housing to an extended family member described in subparagraph (A).”.

(i) NEGOTIATIONS REGARDING LAND EXCHANGES AND LEASES.—Section 11(i) of the Act of December 22, 1974 (25 U.S.C. 640d-10(i)), is amended—

(1) by striking “(i) The” and inserting the following:

“(i) NEGOTIATIONS REGARDING LAND EXCHANGES AND LEASES.—The”; and

(2) by striking “section 23” and inserting “section 19”.

#### SEC. 108. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

Section 12 of the Act of December 22, 1974 (25 U.S.C. 640d-11), is amended—

(1) by striking “SEC. 12. (a) There is hereby” and inserting the following:

#### “SEC. 8. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

“(a) ESTABLISHMENT.—There is”;

(2) in subsection (b), by striking “(b) The” and inserting the following:

“(b) APPOINTMENT.—The”;

(3) in subsection (c)—

(A) by striking “(c)(1)(A) Except” and inserting the following:

“(c) CONTINUATION OF POWERS.—

“(1) POWERS AND DUTIES OF COMMISSIONER; EXISTING FUNDS.—

“(A) POWERS AND DUTIES OF COMMISSIONER.—Except”;

(B) in paragraph (1)(B), by striking “(B) All” and inserting the following:

“(B) EXISTING FUNDS.—All”; and

(C) in paragraph (2), by striking “(2) There are hereby” and inserting the following:

“(2) TRANSFER OF POWERS.—There are”;

(4) in subsection (d)—

(A) by striking “(d)(1) Subject” and inserting the following:

“(d) POWERS OF COMMISSIONER.—

“(1) IN GENERAL.—Subject”;

(B) by adjusting the margins of subparagraphs (A) and (B) of paragraph (1) appropriately;

(C) in paragraph (2), by striking “(2) The” and inserting the following:

“(2) CONTRACTS.—The”; and

(D) in paragraph (3), by striking “(3) There” and inserting the following:

“(3) AUTHORIZATION OF APPROPRIATIONS.—There”;

(5) in subsection (e)—

(A) by striking “(e)(1)” and inserting the following:

“(e) ADMINISTRATION.—

“(1) ADMINISTRATIVE, FISCAL, AND HOUSEKEEPING SERVICES.—”;

(B) in paragraph (1)—

(i) in the first sentence, by striking “The” and inserting the following:

“(A) IN GENERAL.—The”; and

(ii) in the second sentence, by striking “In any” and inserting the following:

“(B) ASSISTANCE FROM DEPARTMENTS AND AGENCIES.—In any”; and

(C) in paragraph (2), by striking “(2) On” and inserting the following:

“(2) FAILURE TO PROVIDE ASSISTANCE.—On”;

(6) by striking subsection (f) and inserting the following:

“(f) TERMINATION.—

“(1) IN GENERAL.—The Office of Navajo and Hopi Indian Relocation shall terminate on September 30, 2008.

“(2) TRANSFER OF OFFICE DUTIES.—On the date of termination of the Office, any duty of the Office that has not been carried out, as determined in accordance with this Act, shall be transferred to the Secretary in accordance with title II of the Navajo-Hopi Land Settlement Amendments of 2005.”; and

(7) by adding at the end the following:

“(g) EASE OF TRANSITION.—Beginning on the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005, the Secretary may—

“(1) consult with the Commissioner regarding the transfer of the responsibilities of the Office of Navajo and Hopi Indian Relocation to the Department of the Interior; and

“(2) take any action the Secretary determines to be necessary to assume the responsibilities of the Office on September 30, 2008.”.

#### SEC. 109. REPORT.

Section 13 of the Act of December 22, 1974 (25 U.S.C. 640d-12), is amended—

(1) by striking “Sec. 13. (a) By no” and inserting the following:

#### “SEC. 9. REPORT.

“(a) IN GENERAL.—Not”; and

(2) in subsection (b)—

(A) by striking “(b) The” and inserting the following:

“(b) INCLUSIONS.—The”; and

(B) by striking “contain, among other matters, the following:” and inserting “include”.

**SEC. 110. RELOCATION OF HOUSEHOLDS AND MEMBERS.**

Section 14 of the Act of December 22, 1974 (25 U.S.C. 640d-13), is amended—

(1) by striking “SEC. 14. (a)” and inserting the following:

**“SEC. 10. RELOCATION OF HOUSEHOLDS AND MEMBERS.**

“(a) AUTHORIZATION.—”;

(2) in subsection (a)—

(A) in the first sentence—

(i) by striking “Consistent” and inserting the following:

“(1) IN GENERAL.—Consistent”;

(ii) by striking “section 8” each place it appears and inserting “section 4”;

(iii) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 3 or 4”; and

(iv) by inserting “, or, after September 30, 2008, the Attorney General,” after “the Commissioner”;

(B) by striking the second sentence;

(C) in the third sentence, by striking “No further” and inserting the following:

“(2) SETTLEMENTS OF NAVAJO.—No further”;

(D) in the fourth sentence, by striking “No further” and inserting the following:

“(3) SETTLEMENTS OF HOPI.—No further”;

(E) in the fifth sentence, by striking “No individual” and inserting the following:

“(4) GRAZING.—No individual”;

(3) in subsection (b)—

(A) by striking “(b) In addition” and inserting the following:

“(b) ADDITIONAL PAYMENTS TO HEADS OF HOUSEHOLDS.—In addition”;

(B) by striking “section 15” and inserting “section 11”; and

(C) by striking “section 13” and inserting “section 9”;

(4) in subsection (c), by striking “(c) No” and inserting the following:

“(c) PAYMENTS FOR PERSONS MOVING AFTER A CERTAIN DATE.—No”;

(5) by adding at the end the following:

“(d) PROHIBITION.—No payment for benefits under this Act may be made to any head of a household if, as of September 30, 2008, that head of household has not been certified as eligible to receive the payment.”.

**SEC. 111. RELOCATION HOUSING.**

Section 15 of the Act of December 22, 1974 (25 U.S.C. 640d-14), is amended—

(1) by striking “SEC. 15. (a)” and inserting the following:

**“SEC. 11. RELOCATION HOUSING.**

“(a) PURCHASE OF HABITATION AND IMPROVEMENTS.—”;

(2) in subsection (a)—

(A) in the first sentence, by striking “The Commission” and inserting the following:

“(1) IN GENERAL.—The Commission”;

(B) in the second sentence—

(i) by striking “The purchase” and inserting the following:

“(2) PURCHASE PRICE.—The purchase”;

(ii) by striking “as determined under clause (2) of subsection (b) of section 13”;

(3) in subsection (b)—

(A) by striking “(b) In addition” and inserting the following:

“(b) REIMBURSEMENT FOR MOVING EXPENSES AND PAYMENT FOR REPLACEMENT DWELLING.—In addition”;

(B) by striking “shall:” and inserting “shall—”; and

(C) in paragraph (1), by inserting “and” after the semicolon at the end;

(4) in subsection (c)—

(A) by striking “(c) In implementing” and inserting the following:

“(c) STANDARDS; CERTAIN PAYMENTS.—

“(1) STANDARDS.—In carrying out”;

(B) in the second sentence—

(i) by striking “No payment” and inserting the following:

“(2) CERTAIN PAYMENTS.—No payment”;

and

(ii) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 8 or section 3 or 4”;

(5) in subsection (d)—

(A) by striking “(d) The” and inserting the following:

“(d) METHODS OF PAYMENT.—The”;

(B) by striking “(1) Should” and inserting the following:

“(1) HOME OWNERSHIP OPPORTUNITY PROJECTS.—Should”;

(C) by striking “(2) Should” and inserting the following:

“(2) PURCHASED AND CONSTRUCTED DWELLINGS.—Should”;

(D) by striking “(3) Should” and inserting the following:

“(3) FAILURE TO ARRANGE RELOCATION.—Should”;

(6) in subsection (e)—

(A) by striking “(e) The” and inserting the following:

“(e) DISPOSAL OF ACQUIRED DWELLINGS AND IMPROVEMENTS.—The”;

(B) by striking “section 8” and inserting “section 4”;

(C) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 3 or 4”;

(7) in subsection (f), by striking “(f) Notwithstanding” and inserting the following:

“(f) PREFERENTIAL TREATMENT.—Notwithstanding”;

(8) by striking subsection (g) and inserting the following:

“(g) BENEFITS.—

“(1) IN GENERAL.—Not later than September 30, 2008, the Commissioner shall notify the Secretary and each Tribe of the identity of any head of household member of the Tribe that, as of that date—

“(A) is certified as eligible to receive benefits under this Act;

“(B) does not reside on land that has been partitioned to the Tribe; and

“(C) has not received a replacement home.

“(2) TRANSFER OF FUNDS.—Not later than September 30, 2008, and except as provided in paragraph (4), the Commissioner shall—

“(A) transfer to the Secretary any funds not used by the Commissioner to make payments under this Act to eligible heads of households; and

“(B) provide a notice to each Tribe regarding the amount of the funds transferred under subparagraph (B).

“(3) DISPOSITION OF TRANSFERRED FUNDS.—

“(A) IN GENERAL.—The Secretary shall hold any funds transferred under paragraph (2) for the heads of households described in paragraph (1)(A) until the date on which a request for the funds, or a portion of the funds, is submitted to the Secretary by—

“(i) an eligible head of household; or

“(ii) the Tribe, acting with the consent of such a head of household.

“(B) PAYMENT AMOUNTS.—Of the funds held under subparagraph (A), the Secretary shall make payments to the Tribe or heads of households described in paragraph (1)(A) in amounts that would have been made to the heads of households under this Act before September 30, 2008—

“(i) on receipt of a request of a head of household, to be used for a replacement home; or

“(ii) on the date of death of the head of household, if the head of household does not make a request under clause (i), in accordance with subparagraph (C).

“(C) DISTRIBUTION OF FUNDS ON DEATH OF HEAD OF HOUSEHOLD.—If the Secretary holds funds under this paragraph for a head of household described in paragraph (1)(A) on the death of the head of household, the Secretary shall—

“(i) identify and notify any heir of the head of household, in accordance with applicable law; and

“(ii) distribute the funds held by the Secretary for the head of household to any heir—

“(I) immediately, if the heir is at least 18 years old; or

“(II) if the heir is younger than 18 years old on the date on which the Secretary identified the heir, on the date on which the heir attains the age of 18.

“(D) CLAIMS OF COMPETING HEIRS.—Any claim to a distribution under subparagraph (C) that is disputed by any competing heir of a head of household shall be determined during the probate process in accordance with applicable law.

“(4) DISPUTED ELIGIBILITY CLAIMS.—

“(A) TRANSFER OF FUNDS.—Not later than September 30, 2008, the Commissioner shall transfer to the Secretary an appropriate percentage, as determined by the Commissioner, of the funds not used by the Commissioner to make payments under this Act to eligible heads of households.

“(B) DISPOSITION OF TRANSFERRED FUNDS.—

“(i) IN GENERAL.—The Secretary shall hold any funds transferred under subparagraph (A) for any individual the status of whom under this Act is the subject of a dispute with the Commissioner.

“(ii) DISTRIBUTIONS TO HEADS OF HOUSEHOLDS.—If an individual described in clause (i) is identified by the Commissioner as a head of household described in paragraph (1), the Secretary shall distribute funds transferred under subparagraph (A) to the individual in accordance with paragraph (3).

“(h) NOTIFICATION.—

“(1) IN GENERAL.—To the extent not already provided, not later than 180 days after the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005, the Commissioner shall notify each eligible head of household who has not entered into a lease with the Hopi Tribe to reside on land partitioned to the Hopi Tribe, in accordance with section 700.138 of title 25, Code of Federal Regulations (or a successor regulation).

“(2) LIST.—On the date on which a notice period referred to in section 700.139 of title 25, Code of Federal Regulations (or a successor regulation), expires, the Commissioner shall submit to the Secretary and the United States Attorney for the District of Arizona a list containing the name and address of each eligible head of household who—

“(A) continues to reside on land that has not been partitioned to the Tribe of the head of household; and

“(B) has not entered into a lease to reside on that land.

“(3) CONSTRUCTION OF REPLACEMENT HOMES.—Before July 1, 2008, but not later than 90 days after receiving a notice of the imminent removal of a relocatee from land provided to the Navajo Tribe or the Hopi Tribe under this Act, the Commissioner shall—

“(A) make an eligibility determination with respect to the relocatee in accordance with any appropriate policy or procedure; and

“(B) on a determination under subparagraph (A) that the relocatee is eligible for relocation—

“(i) begin construction of a replacement home on any land acquired under section 6; or

“(ii) establish a fund for the benefit of the relocatee, to be administered in accordance with this section.

“(i) APPEALS.—

“(1) IN GENERAL.—The Commissioner shall establish an expedited hearing procedure for any appeal relating to the denial of eligibility for benefits under this Act (including regulations promulgated pursuant to this Act) that is pending on, or filed after, the date of enactment of Navajo-Hopi Land Settlement Amendments of 2005.

“(2) FINAL DETERMINATIONS.—The hearing procedure established under paragraph (1) shall—

“(A) provide for a hearing before an impartial third party, as the Commissioner determines necessary; and

“(B) ensure that a final determination is made by the Office of Navajo and Hopi Indian Relocation for each appeal described in paragraph (1) by not later than January 1, 2008.

“(j) PROCUREMENT OF SERVICES.—

“(1) IN GENERAL.—Notwithstanding any other provision of this Act, to ensure the full and fair evaluation of an appeal hearing before an impartial third party referred to in subsection (i)(2)(A), the Commissioner may enter into such contracts or agreements to procure such services, and employ such personnel (including attorneys), as the Commissioner determines to be necessary.

“(2) DETAIL OF ADMINISTRATIVE LAW JUDGES OR HEARING OFFICERS.—The Commissioner may request the Secretary to act through the Director of the Office of Hearings and Appeals to make available to the Office of Navajo and Hopi Indian Relocation an administrative law judge or other hearing officer with appropriate qualifications, as determined by the Commissioner.

“(k) APPEAL TO UNITED STATES CIRCUIT COURT OF APPEALS.—

“(1) IN GENERAL.—Subject to paragraph (3), any individual who, under the procedures established by the Commissioner pursuant to this section, is determined not to be eligible to receive benefits under this Act may appeal that determination to the United States Circuit Court of Appeals for the Ninth Circuit (referred to in this subsection as the ‘Circuit Court’).

“(2) REVIEW.—

“(A) IN GENERAL.—The Circuit Court shall, with respect to each appeal described in paragraph (1)—

“(i) review the entire record (as certified to the Circuit Court under paragraph (3)) on which a determination of the ineligibility of the appellant to receive benefits under this Act was based; and

“(ii) on the basis of that review, affirm or reverse that determination.

“(B) STANDARD OF REVIEW.—The Circuit Court shall affirm any determination that the Circuit Court determines to be supported by substantial evidence.

“(3) NOTICE OF APPEAL.—

“(A) IN GENERAL.—To the extent not already provided by this Act or other applicable Federal law, not later than 30 days after a determination of ineligibility under paragraph (1), an affected individual shall file a notice of appeal with—

“(i) the Circuit Court; and

“(ii) the Commissioner.

“(B) CERTIFICATION OF RECORD.—On receipt of a notice under subparagraph (A)(ii), the Commissioner shall submit to the Circuit Court the certified record on which the determination that is the subject of the appeal was made.

“(C) REVIEW PERIOD.—Not later than 60 days after receiving a certified record under subparagraph (B), the Circuit Court shall conduct a review and file a decision regarding an appeal in accordance with paragraph (2).

“(D) BINDING DECISION.—A decision made by the Circuit Court under this subsection shall be final and binding on all parties.”.

**SEC. 112. PAYMENT FOR USE OF LAND.**

Section 16 of the Act of December 22, 1974 (25 U.S.C. 640d-15), is amended—

(1) by striking “SEC. 16. (a) The Navajo” and inserting the following:

**“SEC. 12. PAYMENT FOR USE OF LAND.**

“(a) IN GENERAL.—The Navajo”;  
(2) in subsection (a), by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” before “sections 8 and 3 or 4”; and

(3) in subsection (b)—

(A) by striking “(b) The” and inserting the following:

“(b) PAYMENT.—The”; and

(B) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “sections 8 and 3 or 4”.

**SEC. 113. EFFECT OF ACT.**

Section 17 of the Act of December 22, 1974 (25 U.S.C. 640d-16), is amended—

(1) by striking “SEC. 17. (a)” and inserting the following:

**“SEC. 13. EFFECT OF ACT.**

“(a) TITLE, POSSESSION, AND ENJOYMENT.—

”;

(2) in subsection (a)—

(A) in the first sentence, by striking

“Nothing” and inserting the following:

“(1) IN GENERAL.—Nothing”; and

(B) in the second sentence, by striking

“Such” and inserting the following:

“(2) RESIDENCE ON OTHER RESERVATIONS.—

Any”; and

(3) in subsection (b), by striking “(b) Nothing” and inserting the following:

“(b) FEDERAL EMPLOYEES.—Nothing”.

**SEC. 114. ACTIONS FOR ACCOUNTING, FAIR VALUE OF GRAZING, AND CLAIMS FOR DAMAGES TO LAND.**

Section 18 of the Act of December 22, 1974 (25 U.S.C. 640d-17), is amended—

(1) by striking “SEC. 18. (a) Either” and inserting the following:

**“SEC. 14. ACTIONS FOR ACCOUNTING, FAIR VALUE OF GRAZING, AND CLAIMS FOR DAMAGES TO LAND.**

“(a) ACTIONS BY TRIBES.—Either”;

(2) in subsection (a), by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 3 or 4”;  
(3) in subsection (b)—

(A) by striking “(b) Neither” and inserting the following:

“(b) DEFENSES.—Neither”; and

(B) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 3 or 4”;  
(4) in subsection (c)—

(A) by striking “(c) Either” and inserting the following:

“(c) FURTHER ORIGINAL, ANCILLARY, OR SUPPLEMENTARY ACTS TO ENSURE QUIET ENJOYMENT.—

“(1) IN GENERAL.—Either”; and

(B) in the second sentence, by striking “Such actions” and inserting the following:

“(2) ACTION THROUGH CHAIRMAN.—An action under paragraph (1)”;  
(5) in subsection (d)—

(A) by striking “(d) Except” and inserting the following:

“(d) UNITED STATES AS PARTY; JUDGMENTS AGAINST THE UNITED STATES.—

“(1) IN GENERAL.—Except”; and

(B) in the second sentence, by striking “Any judgment or judgments” and inserting the following:

“(2) EFFECT OF JUDGMENTS.—Any judgment”; and

(6) in subsection (e), by striking “(e) All” and inserting the following:

“(e) REMEDIES.—All”.

**SEC. 115. JOINT USE.**

Section 19 of the Act of December 22, 1974 (25 U.S.C. 640d-18), is amended—

(1) by striking “SEC. 19. (a) Notwithstanding” and inserting the following:

**“SEC. 15. JOINT USE.**

“(a) REDUCTION OF LIVESTOCK.—

“(1) IN GENERAL.—Notwithstanding”;  
(2) in subsection (a)(1) (as designated by

paragraph (1))—

(A) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 3 or 4”; and

(B) in the second sentence, by striking “The Secretary is directed to” and inserting the following:

“(2) CONSERVATION PRACTICES AND METHODS.—The Secretary shall”;  
(3) in subsection (b)—

(A) by striking “(b) The” and inserting the following:

“(b) SURVEY LOCATION OF MONUMENTS AND FENCING OF BOUNDARIES.—The”; and

(B) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “sections 8 and 3 or 4” each place it appears; and

(4) in subsection (c)—

(A) by striking “(c)(1) Surveying” and inserting the following:

“(c) SURVEYING, MONUMENTING, AND FENCING; LIVESTOCK REDUCTION PROGRAM.—

“(1) SURVEYING, MONUMENTING, AND FENCING.—Surveying”;  
(B) in paragraph (1)—

(i) by striking “of this Act” and inserting

“(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)”; and

(ii) by striking “section 8” and inserting

“section 4”; and

(C) in paragraph (2), by striking “(2) The” and inserting the following:

“(2) LIVESTOCK REDUCTION PROGRAM.—The”.

**SEC. 116. RELIGIOUS CEREMONIES; PIPING OF WATER.**

Section 20 of the Act of December 22, 1974 (25 U.S.C. 640d-19), is amended by striking

“SEC. 20. The members” and inserting the following:

**“SEC. 16. RELIGIOUS CEREMONIAL USES; PIPING OF WATER.**

“The members”.

**SEC. 117. ACCESS TO RELIGIOUS SHRINES.**

Section 21 of the Act of December 22, 1974 (25 U.S.C. 640d-20), is amended by striking

“SEC. 21. Notwithstanding” and inserting the following:

**“SEC. 17. ACCESS TO RELIGIOUS SHRINES.**

“Notwithstanding”.

**SEC. 118. EXCLUSION OF PAYMENTS FROM CERTAIN FEDERAL DETERMINATIONS OF INCOME.**

Section 22 of the Act of December 22, 1974 (25 U.S.C. 640d-21), is amended—

(1) by striking “SEC. 22. The availability” and inserting the following:

**“SEC. 18. EXCLUSION OF PAYMENTS FROM CERTAIN FEDERAL DETERMINATIONS OF INCOME.**

“(a) IN GENERAL.—The availability”; and

(2) by striking “None of the funds” and inserting the following:

“(b) FEDERAL AND STATE INCOME TAXES.—None of the funds”.

**SEC. 119. AUTHORIZATION OF EXCHANGE.**

Section 23 of the Act of December 22, 1974 (25 U.S.C. 649d-22), is amended—

(1) by striking “SEC. 23. The Navajo” and inserting the following:

**“SEC. 19. AUTHORIZATION OF EXCHANGE.**

“(a) IN GENERAL.—The Navajo”; and

(2) in the second sentence—

(A) by striking “In the event that the Tribes should” and inserting the following:

“(b) NEGOTIATED EXCHANGES.—If the Tribes”; and

(B) by striking “sections 14 and 15” and inserting “sections 10 and 11”.

**SEC. 120. SEVERABILITY.**

Section 24 of the Act of December 22, 1974 (25 U.S.C. 640d-23), is amended by striking “SEC. 24. IF” and inserting the following:

**“SEC. 20. SEVERABILITY.**

“If”.

**SEC. 121. AUTHORIZATION OF APPROPRIATIONS.**

Section 25 of the Act of December 22, 1974 (25 U.S.C. 640d-24), is—

(1) moved so as to appear at the end of the Act; and

(2) amended to read as follows:

**“SEC. 26. AUTHORIZATION OF APPROPRIATIONS.**

“(a) RELOCATION OF HOUSEHOLDS AND MEMBERS.—There is authorized to be appropriated to carry out section 10(b) \$13,000,000 for each of fiscal years 2006 through 2008.

“(b) RELOCATION OF HOUSEHOLDS AND MEMBERS.—There are authorized to be appropriated to carry out section 11 such sums as are necessary for each of fiscal years 2006 through 2008.

“(c) RETURN TO CARRYING CAPACITY AND INSTITUTION OF CONSERVATION PRACTICES.—There is authorized to be appropriated to carry out section 15(a) \$10,000,000 for each of fiscal years 2006 through 2008.

“(d) SURVEY LOCATION OF MONUMENTS AND FENCING OF BOUNDARIES.—There is authorized to be appropriated to carry out section 15(b) \$500,000 for each of fiscal years 2006 through 2008.”.

**SEC. 122. DISCRETIONARY FUND.**

Section 27 of the Act of December 22, 1974 (25 U.S.C. 640d-25), is amended by striking “SEC. 27.” and all that follows through “(c) The Secretary” and inserting the following:

**“SEC. 21. DISCRETIONARY FUND.**

“(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to a discretionary fund of the Commissioner to carry out this Act—

“(1) \$6,000,000 for the period of fiscal years 2006 through 2008; and

“(2) such sums as are necessary for each subsequent fiscal year.

“(b) HOPI HIGH SCHOOL AND MEDICAL CENTER.—The Secretary”.

**SEC. 123. ATTORNEY FEES AND COURT COSTS.**

Section 29 of the Act of December 22, 1974 (25 U.S.C. 640d-27), is amended—

(1) by striking “SEC. 29. (a)” and inserting the following:

**“SEC. 22. ATTORNEY FEES AND COURT COSTS.**

“(a) IN GENERAL.—”;

(2) in subsection (a)—

(A) by striking “In any” and inserting the following:

“(1) IN GENERAL.—In any”; and

(B) by striking “For each” and inserting the following:

“(2) AUTHORIZATION OF APPROPRIATIONS.—For each”;

(3) in subsection (b)—

(A) by striking “(b) Upon” and inserting the following:

“(b) AWARD BY COURT.—

“(1) IN GENERAL.—On”; and

(B) in the second sentence, by striking “Any party” and inserting the following:

“(2) REIMBURSEMENT OF UNITED STATES.—Any party”;

(4) in subsection (c), by striking “(c) To” and inserting the following:

“(c) EXCESS DIFFERENCE.—To”; and

(5) in subsection (d)—

(A) by striking “(d) This” and inserting the following:

“(d) APPLICATION OF SECTION.—This”; and

(B) by striking “section 8 or 18(a) of this Act” and inserting “section 4 or section 14(a)”.

**SEC. 124. LOBBYING.**

Section 31 of the Act of December 22, 1974 (25 U.S.C. 640d-29), is amended—

(1) by striking “SEC. 31. (a) Except” and inserting the following:

**“SEC. 23. LOBBYING.**

“(a) IN GENERAL.—Except”; and

(2) in subsection (b), by striking “(b) Subsection” and inserting the following:

“(b) APPLICABILITY.—Subsection”.

**SEC. 125. NAVAJO REHABILITATION TRUST FUND.**

The first section designated as section 32 of the Act of December 22, 1974 (25 U.S.C. 640d-30), is amended—

(1) by striking “SEC. 32. (a) There” and inserting the following:

**“SEC. 24. NAVAJO REHABILITATION TRUST FUND.**

“(a) ESTABLISHMENT.—There”;

(2) in subsection (b), by striking “(b) All” and inserting the following:

“(b) DEPOSIT OF INCOME INTO FUND.—All”;

(3) in subsection (c), by striking “(c) The” and inserting the following:

“(c) INVESTMENT OF FUNDS.—The”;

(4) in subsection (d)—

(A) by striking “(d) Funds” and inserting the following:

“(d) AVAILABILITY OF FUNDS.—Funds”;

(B) in paragraph (1), by striking “proceedings,” and inserting “proceedings;”; and

(C) in paragraph (2), by striking “Act, or” and inserting “Act; or”;

(5) in subsection (e)—

(A) by striking “(e) By December 1” and inserting the following:

“(e) EXPENDITURE OF FUNDS.—

“(1) IN GENERAL.—Not later than December 1”; and

(B) in the second sentence, by striking “Such framework is to be” and inserting the following:

“(2) REQUIREMENT.—The framework under paragraph (1) shall be”;

(6) in subsection (f)—

(A) by striking “(f) The” and inserting the following:

“(f) TERMINATION.—

“(1) IN GENERAL.—The”; and

(B) in the second sentence, by striking “All funds” and inserting the following:

“(2) TRANSFER OF REMAINING FUNDS.—All funds”; and

(7) by striking subsection (g).

**SEC. 126. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.**

The second section designated as section 32 of the Act of December 22, 1974 (25 U.S.C. 640-31), is amended by striking “SEC. 32. Nothing” and inserting the following:

**“SEC. 25. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.”.**

“Nothing”.

**TITLE II—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS**

**SEC. 201. DEFINITIONS.**

In this title:

(1) FEDERAL AGENCY.—The term “Federal agency” has the meaning given the term “agency” in section 551(1) of title 5, United States Code.

(2) FUNCTION.—The term “function” means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program carried out under Federal law in accordance with the purposes of the Office.

(3) OFFICE.—The term “Office” means the Office of Navajo and Hopi Relocation (including any component of that office).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

**SEC. 202. TRANSFER OF FUNCTIONS.**

(a) IN GENERAL.—Effective beginning on September 30, 2008, there is transferred to

the Secretary any function of the Office that has not been carried out by the Office in accordance with the Act of December 22, 1974 (25 U.S.C. 640 et seq.) (as amended by title I).

(b) MEMORANDUM OF AGREEMENT.—Not later than September 29, 2008, the Secretary, in consultation with the Director of the Office of Management and Budget, may enter into a memorandum of agreement with the Office, as the Secretary determines to be appropriate to facilitate the transfer under subsection (a).

**SEC. 203. PERSONNEL PROVISIONS.**

(a) APPOINTMENTS.—The Secretary may appoint and fix the compensation of such officers and employees as the Secretary determines to be necessary to carry out any function transferred under this title.

(b) REQUIREMENTS.—Except as otherwise provided by law—

(1) any officer or employee described in subsection (a) shall be appointed in accordance with the civil service laws; and

(2) the compensation of such an officer or employee shall be fixed in accordance with title 5, United States Code.

**SEC. 204. DELEGATION AND ASSIGNMENT.**

(a) IN GENERAL.—Except where otherwise expressly prohibited by law or otherwise provided by this title, the Secretary may delegate any of the functions transferred to the Secretary by this title and any function transferred or granted to the Secretary after the effective date of this title to such officers and employees of the Department of the Interior as the Secretary may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate.

(b) DELEGATION.—No delegation of functions by the Secretary under this section or under any other provision of this title shall relieve the Secretary of responsibility for the administration of the functions.

**SEC. 205. REORGANIZATION.**

The Secretary is authorized to allocate or reallocate any function transferred under section 202 among the officers of the Department of the Interior, and to establish, consolidate, alter, or discontinue such organizational entities in the Department of the Interior as the Secretary determines to be necessary or appropriate.

**SEC. 206. RULES.**

The Secretary is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary determines to be necessary or appropriate to administer and manage the functions of the Department of the Interior.

**SEC. 207. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.**

(a) IN GENERAL.—Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of the Interior in accordance with section 3503 of title 5, United States Code.

(b) UNEXPENDED FUNDS.—Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

**SEC. 208. INCIDENTAL TRANSFERS.**

The Secretary is authorized to make such determinations as may be necessary to accept the functions transferred by this title, and to make such additional incidental dispositions of personnel, assets, liabilities,

grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title.

**SEC. 209. EFFECT ON PERSONNEL.**

(a) **IN GENERAL.**—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of the employee under this title.

(b) **EXECUTIVE SCHEDULE POSITIONS.**—Except as otherwise provided in this title, any person who, on the day preceding the effective date of this title, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department of the Interior to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(c) **TERMINATION OF CERTAIN POSITIONS.**—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this title, shall terminate on the effective date of this title.

**SEC. 210. SEPARABILITY.**

If a provision of this title or the application of this title to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

**SEC. 211. TRANSITION.**

The Secretary is authorized to use—

(1) the services of such officers, employees, and other personnel of the Office with respect to functions transferred to the Department of the Interior by this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

**SEC. 212. REPORTS.**

(a) **FISCAL YEARS 2007 AND 2008.**—For each of fiscal years 2007 and 2008, the Commissioner of the Office, in consultation with the Navajo and Hopi Indian tribes, shall submit to Congress a report describing—

(1) the status of the Office;

(2) any progress made during the preceding year in transferring functions, appropriations, and personnel under this title;

(3) any progress made toward, or obstacle relating to, completing the relocation process under the Act of December 22, 1974 (25 U.S.C. 640d et seq.) (as amended by title I);

(4) the status of the grazing management program on the area commonly known as the “New Lands” of the Navajo Tribe; and

(5) the needs of the Navajo and Hopi Indian tribes to address the affect of relocation activity, if any, including a financial estimate relating to the needs.

(b) **SUBSEQUENT FISCAL YEARS.**—Not later than 1 year after the effective date of this title, and annually thereafter, the Secretary, in consultation with the Navajo and Hopi Indian tribes, shall submit to Congress a report described in subsection (a).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2007 through 2009.

**SEC. 213. REFERENCES.**

Any reference in a Federal law, Executive order, rule, regulation, delegation of authority, or document relating to—

(1) the Commissioner of the Office, with respect to functions transferred under this title, shall be deemed to be a reference to the Secretary; and

(2) the Office, with respect to functions transferred under this title, shall be deemed to be a reference to the Department of the Interior.

**SEC. 214. ADDITIONAL CONFORMING AMENDMENT.**

Section 5315 of title 5, United States Code, is amended by striking the item relating to the Commissioner of the Office.

**SEC. 215. EFFECT OF TITLE.**

(a) **CONTINUING EFFECT OF LEGAL DOCUMENTS.**—Any legal document relating to a function transferred by this title that is in effect on the effective date of this title shall continue in effect in accordance with the terms of the document until the document is modified or terminated by—

- (1) the President;
- (2) the Secretary;
- (3) a court of competent jurisdiction; or
- (4) operation of Federal or State law.

(b) **PROCEEDINGS NOT AFFECTED.**—This title shall not affect any proceeding (including a notice of proposed rulemaking, an administrative proceeding, and an application for a license, permit, certificate, or financial assistance) relating to a function transferred under this title that is pending before the Office of Navajo and Hopi Relocation on the effective date of this title.

**SEC. 216. EFFECTIVE DATE.**

This title takes effect beginning September 30, 2008.

**TITLE III—PERSONNEL OF THE OFFICE OF NAVAJO AND HOPI RELOCATION**

**SEC. 301. SEPARATION PAY.**

The Office of Navajo and Hopi Relocation (referred to in this title as the “Office”) may request funding for, and offer to any employee of the Office, voluntary separation incentive payments in accordance with subchapter II of chapter 35 of title 5, United States Code.

**SEC. 302. FEDERAL RETIREMENT.**

The Office may request funding for, and offer to any employee of the Office, voluntary early retirement in accordance with sections 8336(d)(2) and 8414(b)(1) of title 5, United States Code.

**SA 3859.** Mr. ENSIGN (for Mr. MCCAIN) proposed an amendment to amendment SA 3858 proposed by Mr. ENSIGN (for Mr. MCCAIN) to the bill S. 1003, to amend the Act of December 22, 1974, and for other purposes; as follows:

Strike section 121 of the amendment and insert the following:

**SEC. 121. AUTHORIZATION OF APPROPRIATIONS.** Section 25 of the Act of December 22, 1974 (25 U.S.C. 640d–24), is—

(1) moved so as to appear at the end of the Act; and

(2) amended to read as follows:

**“SEC. 26. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out section 11 such sums as are necessary for each of fiscal years 2006 through 2008.”

**AUTHORITY FOR COMMITTEES TO MEET**

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Com-

mittee on Agriculture, Nutrition and Forestry be authorized to conduct a full committee hearing during the session of the Senate on Tuesday, May 2, 2006, at 9:30 a.m. in SH-216, Hart Senate Office Building. The purpose of this hearing will be to review the implementation of the Peanut Provisions of the Farm Security and Rural Investment Act of 2002.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, May 2, 2006, at 10 a.m. for a business meeting to consider pending committee business.

**Agenda**

**Committee Reports:** Report of the Committee on Homeland Security and Governmental Affairs titled, “Hurricane Katrina: A Nation Still Unprepared.”

**Legislation:** S. 2459, GreenLane Maritime Cargo Security Act; H.R. 2066, General Services Administration Modernization Act.

**Nominations:** Uttam Dhillon to be Director of the Office of Counter-narcotics Enforcement, U.S. Department of Homeland Security; Mark Acton to be Commissioner, Postal Rate Commission.

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 “FBI Oversight” on Tuesday, May 2, 2006, at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building.

**Witness List:**

**Panel I:** The Honorable Robert S. Mueller, III, Director, Federal Bureau of Investigation, U.S. Department of Justice, Washington, DC.

**Panel II:** The Honorable Glenn A. Fine, Inspector General, U.S. Department of Justice, Washington, DC; Linda M. Calbom, Director, Financial Management and Assurance, Government Accountability Office, Washington, DC; John Gannon, Ph.D, Vice President for Global Analysis, BAE Systems Information Technology, former Staff Director of the House Homeland Security Committee, McLean, VA.

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, May 2, 2006, at 4 p.m. in Room 226 of the Dirksen Senate Office Building.

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 "Judiciary Nominations" on Tuesday, May 2, 2006, at 4 p.m. in Room 226 of the Dirksen Senate Office Building.

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

## SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities be authorized to meet during the session of the Senate on Tuesday, May 2, 2006 at 5:30 p.m. in closed session to mark up the emerging threats and capabilities programs and provisions contained in the national defense authorization act for fiscal year 2007.

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

## SUBCOMMITTEE ON MANAGEMENT SUPPORT

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support be authorized to meet during the session of the Senate on Tuesday, May 2, 2006 at 3:30 p.m. in closed session to mark up the readiness and management support programs and provisions contained in the national defense authorization act for fiscal year 2007.

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

## SUBCOMMITTEE ON PERSONNEL

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on personnel be authorized to meet during the session of the Senate on Tuesday, May 2, 2006 at 2:30 p.m. in closed session to mark up the personnel programs and provisions contained in the national defense authorization act for fiscal year 2007.

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, May 2, 2006, at 2:30 p.m., on NSF.

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

## COMMENDING THE SUPPORTERS OF THE JEFFERSON AWARDS

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. Res. 461, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 461) supporting and commending the supporters of the Jefferson Awards for Public Service for encouraging all citizens of the United States to embark on a life of public service and recognizing those citizens who have already performed

extraordinary deeds for their community and country.

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

Mr. LOTT. Mr. President, this week has been designated as Public Service Recognition Week and in keeping with the spirit of this important week I would like to take this opportunity to recognize the important contribution that the Jefferson Awards for Public Service have made over nearly three and a half decades.

I am pleased to be joined by Senators DURBIN, LUGAR, and BIDEN is submitting this resolution commending the American Institute for Public Service and the importance of the Jefferson Awards for Public Service. The Jefferson Awards were established on a bipartisan basis in 1972 by Jacqueline Kennedy Onassis, Senator Robert Taft, Jr., and Sam Beard. The awards honor individuals for their achievements and contributions through public and community service.

Winners of the award for elected and appointed officials have included former Senators Robert Dole, Daniel Patrick Moynihan, and John Glenn. Other winners include Rudolph Giuliani, Dr. Condoleezza Rice, Justice Sandra Day O'Connor, and Robert Rubin. In addition, private citizens who have won the award include Walter Annenberg, Brian Lamb, and Oprah Winfrey.

The Jefferson Awards have honored award recipients at the national level by placing them on a "Who's Who" list of outstanding citizens of the United States and at the same time have honored at the local level recipients as "Unsung Heroes" who accomplished extraordinary deeds for the betterment of the United States.

The Senate fully supports the goals and ideals of the Jefferson awards and during this week of Public Service Recognition, I stand on the floor of the Senate and commend the people of this organization.

## PUBLIC SERVICE RECOGNITION WEEK

Mr. AKAKA. Mr. President, this week, we celebrate Public Service Recognition Week, a time when all Americans are asked to remember the Nation's public workers who serve their country and the world by delivering services essential to our daily lives.

As the ranking member of the Federal Workforce Subcommittee, I wish to spotlight the dedication, commitment, and loyalty demonstrated every day by public servants. That is why I introduce annually—and the Senate passes—a resolution honoring employees at all levels of Government. In the aftermath of 9/11 and the anthrax attacks a month later, we gained a better appreciation of the critical work undertaken by public employees, such as firefighters, paramedics, nurses, and U.S. postal workers. I thank my colleagues for their quick action last week in passing my resolution, S. Res. 412, which I introduced with the support of the leadership of the Homeland

Security and Governmental Affairs Committee.

Despite the need to support public workers, far too often we take for granted these men and women whose sense of duty and devotion to country guides the work they do daily for their fellow Americans. Although our lives are enriched by the work of Federal employees, most people are unfamiliar with the Federal Executive Boards, FEB, which were created by President John F. Kennedy in 1961 to better coordinate the activities of the Federal Government outside of Washington, DC. Decisions affecting the expenditure of billions of taxpayer dollars are made in the field which affect all Americans. Having FEBs—whose members are senior agency personnel—saves time, money, and effort while ensuring that these senior employees are more in touch with State and local governments, as well as their communities.

I am especially proud of the Honolulu-Pacific Federal Executive Board, HPFEB, which today celebrates its 50th Excellence in Federal Government Awards with a ceremony at the Sheraton Waikiki Hotel. I am also pleased to note that before an FEB was even established in Hawaii, forward thinkers had already begun to honor the best in Federal service through these awards. Today's program not only honors the 153 employees receiving awards but provides all agencies and military commands in Hawaii and the Pacific an opportunity to showcase their organizations through exhibits outside the hotel's ballroom. Honoring today's awardees are Federal agency heads, military commanders, State and local government officials, and members of the business community.

According to the HPFEB, the Excellence in Federal Government Awards Program recognizes outstanding Federal employees for their efforts, leadership, and initiative. The program encourages innovation and excellence in government, reinforces pride in Federal service, and helps call public attention to the broad range of services provided by Federal employees.

The HPFEB has over 90 members, senior heads of Federal agencies and military commands, who represent the over 70,000 civilian and military personnel in the Pacific region, including the Department of Defense, the Government's largest civilian employer in Hawaii. Like its 27 counterparts nationwide, the HPFEB communicates with and partners with the community, works to reduce costs and improve efficiencies, facilitates service delivery and coordinates emergency services.

The Honolulu-Pacific Federal Executive Board embraces its interagency coordinating role and is proud of its five primary accomplishments: creating and operating the Pacific Leadership Academy to ensure that agencies within Hawaii and the Pacific area are

training today and tomorrow's cadre of Federal leaders; celebrating the work of Federal employees through its Excellence in Government Awards, which last year honored 126 employees; supporting the Combined Federal Campaign by raising over \$6.1 million in 2005; working with Federal, State, and local governments to improve emergency planning by participating in disaster exercises, partnering with the State of Hawaii to purchase the \$70,000 system "Notifier," and developing a simultaneous broadcast telephone message system that updates emergency information; and establishing councils and working groups.

Hawaii's FEB is sponsored by the Pearl Harbor Naval Shipyard and Intermediate Maintenance Facility, Department of the Navy, and is headed by Ms. Gloria Uyehara, the Executive Director, who has over 30 years of career service, most recently as head of the Education and Development Office, promoting leadership development and succession planning at the Pearl Harbor Naval Shipyard. She is supported by Ms. Gerry A. Reese, who has been with the HPFEB for more than 30 years as the Executive Assistant.

Ms. Uyehara points out that today's Excellence in Federal Government Awards provides a model of excellence for all Federal employees and promotes ideas and concepts to encourage the use of best practices. Those Federal and military personnel working with the HPFEB understand the need to reach out to their community and foster cooperation among all levels of Government. These men and women exemplify the spirit of public service. Together they typify today's Federal and military personnel who work tirelessly to make democracy work.

At a time when the Federal Government faces strong competition with the public and private sector for skilled employees and the administration is pushing for greater outsourcing, it is imperative that we continue to support the Government's network of Federal executive boards, associations, and councils. It would be unwise to diminish the critical role that these entities play in identifying and instituting efficiencies and improving Government services within the communities they serve and to the Nation as a whole.

Again, I send my warmest congratulations and aloha to the members of the Honolulu-Pacific Federal Executive Board which provides the leadership, the enthusiasm, and the expertise to ensure that Government is more responsive, innovative, and effective.

Mr. ENSIGN. 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. 461) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 461

Whereas one of the defining traditions of the democracy of the United States is that each person can make a difference;

Whereas the value of public and community service was a founding principle of the Government of the United States;

Whereas, for generation after generation, the citizens of the United States have desired to pass to the youth of the Nation the tradition of neighbors helping neighbors through—

- (1) local community service;
- (2) volunteerism; and
- (3) public service;

Whereas, to build stronger communities, the youth of the United States should be inspired to seek career opportunities in—

- (1) the public sector;
- (2) the nonprofit sector;
- (3) the faith-based community; and
- (4) Federal, State, and local governments;

Whereas the Jefferson Awards for Public Service are a prestigious national recognition system that was created on a non-partisan basis in 1972 by—

- (1) Jacqueline Kennedy Onassis;
- (2) Senator Robert Taft, Jr.; and
- (3) Sam Beard;

Whereas the creators of the Jefferson Awards for Public Service sought to create an award similar to the Nobel Prize to encourage and honor individuals for their achievements and contributions in public and community service;

Whereas, for over 30 years, the supporters of the Jefferson Awards for Public Service have pioneered the promotion of civic engagement by using profiles of individual excellence, the media, and modern technology to attract and recruit all citizens of the United States to participate in the democratic processes of the Nation; and

Whereas the Jefferson Awards for Public Service have honored award recipients at—

(1) the national level, by placing the recipients on a "Who's Who" list of outstanding citizens of the United States; and

(2) the local level, by naming the recipients "Unsung Heroes" who accomplish extraordinary deeds for the betterment of the United States while going largely unnoticed; Now, therefore, be it

*Resolved*, That the Senate—

(1) fully supports the goals and ideals that the creators instilled into the civic engagement initiatives of the Jefferson Awards for Public Service; and

(2) salutes and acknowledges the American Institute for Public Service and the role played by the Jefferson Awards for Public Service in promoting public service in the United States.

POSTHUMOUSLY AWARDING THE  
PRESIDENTIAL MEDAL OF FREEDOM  
TO LEROY ROBERT "SATCHEL"  
PAIGE

Mr. ENSIGN. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Con. Res. 91 and that the Senate then proceed to its consideration.

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

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 91) expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Leroy Robert "Satchel" Paige.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. ENSIGN. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, that any statements be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 91) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

## S. CON. RES. 91

Whereas Satchel Paige, who was born on July 7, 1906, in Mobile, Alabama, lived a life that was marked by his outstanding contributions to the game of baseball;

Whereas Satchel Paige was a dominating pitcher whose baseball career spanned several decades, from 1927 to 1965;

Whereas Satchel Paige played in the Negro Leagues and became famous for his unusual pitching style and his ability to strike out almost any player he faced;

Whereas Satchel Paige pitched 62 consecutive scoreless innings in 1933;

Whereas, due to the practice of segregation in baseball, Satchel Paige was prohibited for many years from playing baseball at the major league level;

Whereas Satchel Paige played for many Negro League teams, including—

- (1) the Chattanooga Black Lookouts;
- (2) the Birmingham Black Barons;
- (3) the Nashville Elite Giants;
- (4) the Mobile Tigers;
- (5) the Pittsburgh Crawfords; and
- (6) the Kansas City Monarchs;

Whereas, while pitching for the Kansas City Monarchs, Satchel Paige won 4 consecutive league pennants from 1939 to 1942, and later won a 5th pennant in 1946 with that team;

Whereas, after the desegregation of baseball, Satchel Paige signed a contract to pitch for the Cleveland Indians at age 42, and soon thereafter became the oldest rookie ever to play baseball at the major league level;

Whereas the extraordinary pitching of Satchel Paige helped the Cleveland Indians complete a championship season in 1948, as the team won the American League Championship and the World Series;

Whereas Satchel Paige threw an estimated 300 career shutouts;

Whereas, in 1971, Satchel Paige became the first Negro League player to be inducted into the Major League Baseball Hall of Fame;

Whereas the legendary pitching of Satchel Paige earned him numerous awards and accolades, including—

- (1) a nomination to the All Century Team by Major League Baseball as 1 of the greatest players of the 20th century; and
- (2) a selection to the 50 Legends of Baseball by the Postal Service;

Whereas, despite years of discrimination that limited the play of Satchel Paige to the Negro Leagues, his prowess on the pitching mound earned him the respect and admiration of fans and players throughout the world of baseball;

Whereas Satchel Paige passed away on June 8, 1982; and

Whereas the Presidential Medal of Freedom, the highest civilian honor in the United States, was established in 1945 to recognize citizens of the United States who have made exceptional contributions to—

- (1) the security or national interests of the United States;

(2) world peace;

(3) the culture of the United States or the world; or

(4) the citizens of the United States or the world. Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of Congress that the President should award the Presidential Medal of Freedom posthumously to Leroy "Satchel" Paige in honor of his distinguished baseball career and the contributions that he has made to the improvement of the society of the United States and the world.

#### GREATER WASHINGTON SOAP BOX DERBY RACES

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con Res. 349, just received from the House, and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 349) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. ENSIGN. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 349) was agreed to.

The preamble was agreed to.

#### DECLARING LUNG CANCER A PUBLIC HEALTH PRIORITY

Mr. ENSIGN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration and the Senate now proceed to S. Res. 408.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 408) expressing the sense of the Senate that the President should declare lung cancer a public health priority.

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

Mr. ENSIGN. 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. 408) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 408

Expressing the sense of the Senate that the President should declare lung cancer a public health priority and should implement a

comprehensive interagency program that will reduce lung cancer mortality by at least 50 percent by 2015.

Whereas lung cancer is the leading cause of cancer death for both men and women, accounting for 28 percent of all cancer deaths;

Whereas lung cancer kills more people annually than breast cancer, prostate cancer, colon cancer, liver cancer, melanoma, and kidney cancer combined;

Whereas, since the National Cancer Act of 1971 (Public Law 92-218; 85 Stat. 778), coordinated and comprehensive research has elevated the 5-year survival rates for breast cancer to 87 percent, for prostate cancer to 99 percent, and colon cancer to 64 percent;

Whereas the survival rate for lung cancer is still only 15 percent and a similar coordinated and comprehensive research effort is required to achieve increases in lung cancer survivability rates;

Whereas 60 percent of lung cancer is now diagnosed in nonsmokers and former smokers;

Whereas ¾ of nonsmokers diagnosed with lung cancer are women;

Whereas certain minority populations, such as black males, have disproportionately high rates of lung cancer incidence and mortality, notwithstanding their lower smoking rate;

Whereas members of the Baby Boomer generation are entering their sixties, the most common age for the development of cancer;

Whereas tobacco addiction and exposure to other lung cancer carcinogens such as Agent Orange and other herbicides and battlefield emissions are serious problems among military personnel and war veterans;

Whereas the August 2001 Report of the Lung Cancer Progress Review Group of the National Cancer Institute stated that funding for lung cancer research was "far below the levels characterized for other common malignancies and far out of proportion to its massive health impact";

Whereas the Report of the Lung Cancer Progress Review Group identified as its "highest priority" the creation of integrated, multidisciplinary, multi-institutional research consortia organized around the problem of lung cancer rather than around specific research disciplines; and

Whereas the United States must enhance its response to the issues raised in the Report of the Lung Cancer Progress Review Group; Now, therefore, be it

*Resolved,* That it is the sense of the Senate that the President should—

(1) declare lung cancer a public health priority and immediately lead a coordinated effort to reduce the mortality rate of lung cancer by 50 percent by 2015;

(2) direct the Secretary of the Department of Health and Human Services to increase funding for lung cancer research and other lung cancer-related programs within a coordinated strategy and defined goals, including—

(A) translational research and specialized lung cancer research centers;

(B) expansion of existing multi-institutional, population-based screening programs incorporating state of the art image processing, centralized review, clinical management, and tobacco cessation protocols;

(C) research on disparities in lung cancer incidence and mortality rates;

(D) graduate medical education programs in thoracic medicine and cardiothoracic surgery;

(E) new programs within the Food and Drug Administration to expedite the development of chemoprevention and targeted therapies for lung cancer;

(F) annual reviews by the Agency for Healthcare Research and Quality of lung cancer screening and treatment protocols;

(G) the appointment of a lung cancer director within the Centers for Disease Control and Prevention with authority to improve lung cancer surveillance and screening programs; and

(H) lung cancer screening demonstration programs under the direction of the Centers for Medicare and Medicaid Services;

(3) direct the Secretary of Defense, in conjunction with the Secretary of Veterans Affairs, to develop a broad-based lung cancer screening and disease management program among members of the Armed Forces and veterans, and to develop technologically advanced diagnostic programs for the early detection of lung cancer;

(4) appoint the Lung Cancer Scientific and Medical Advisory Committee comprised of medical, scientific, pharmaceutical, and patient advocacy representatives to work with the National Lung Cancer Public Health Policy Board and to report to the President and Congress on the progress and the obstacles in achieving the goal described in paragraph 1; and

(5) convene a National Lung Cancer Public Health Policy Board comprised of multi-agency and multidepartment representatives and at least 3 members of the Lung Cancer Scientific and Medical Advisory Committee, that will oversee and coordinate all efforts to accomplish the mission of reducing lung cancer mortality rate by 50 percent by 2015.

#### NAVAJO-HOPI LAND SETTLEMENT AMENDMENTS ACT OF 2005

Mr. ENSIGN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 324, S. 1003.

The PRESIDING OFFICER. The clerk will report the bill by title. The legislative clerk read as follows:

A bill (S. 2003) to amend the Act of December 22, 1974, and for other purposes.

There being no objection, the Senate proceeded to consider the bill to amend which had been reported from the Committee on Indian Affairs, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

#### S. 1003

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Navajo-Hopi Land Settlement Amendments of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE NAVAJO-HOPI LAND SETTLEMENT ACT OF 1974

Sec. 101. Repeal of sections.

Sec. 102. Definitions; division of land.

Sec. 103. Joint ownership of minerals.

Sec. 104. Actions.

Sec. 105. Paiute Indian allotments.

Sec. 106. Partitioned and other designated land.

Sec. 107. Resettlement land for Navajo Tribe.

Sec. 108. Office of Navajo and Hopi Indian Relocation.

Sec. 109. Report.

Sec. 110. Relocation of households and members.

Sec. 111. Relocation housing.

Sec. 112. Payment for use of land.



(B) in the second sentence, by striking “So long as” and inserting the following:

“(B) COAL LEASE APPLICATIONS.—

“(i) IN GENERAL.—If”;

(C) in the third sentence, by striking “If such adjudication” and inserting the following:

“(ii) ISSUANCE OF LEASES.—If an adjudication under clause (i)”;

(D) in the fourth sentence, by striking “The leaseholders rights and interests” and inserting the following:

“(iii) RIGHTS AND INTERESTS OF LEASEHOLDERS.—The rights and interests of a holder of a lease described in clause (i)”;

(E) in the fifth sentence, by striking “If any” and inserting the following:

“(C) CLAIMS UNDER MINING LAW.—If any”;

(6) by inserting after paragraph (1)(B) (as redesignated by paragraph (4)) the following:

“(2) EXCHANGE OF LAND.—

“(A) IN GENERAL.—In order to facilitate a transfer of land under paragraph (1)(A), the Secretary may exchange land described in paragraph (1)(A) for State or private land of equal value.

“(B) UNEQUAL VALUE.—If the State or private land described in subparagraph (A) is of unequal value to the land described in paragraph (1)(A), the recipient of the land that is of greater value shall pay to the other party to the exchange under subparagraph (A) compensation in an amount not to exceed the lesser of—

“(i) the difference between the values of the land exchanged; or

“(ii) the amount that is 25 percent of the total value of the land transferred from the Secretary to the Navajo Tribe.

“(C) RESPONSIBILITY OF SECRETARY.—The Secretary shall ensure that the amount of a payment under subparagraph (B) is as minimal as practicable.

“(3) TITLE TO LAND ACCEPTED.—The Secretary shall accept title to land under paragraph (1)(B) on behalf of the United States in trust for the benefit of the Navajo Tribe as a part of the Navajo reservation.”; and

(7) in the second paragraph designated as paragraph (2)—

(A) in the first sentence—

(i) by striking “(2) Those” and inserting the following:

“(5) STATE RIGHTS.—

“(A) IN GENERAL.—The”; and

(ii) by striking “subsection 2 of this section” and inserting “paragraph (1)(B)”; and

(B) in the second sentence, by striking “The” and inserting the following:

“(B) STATE INTERESTS.—The”.

(b) PROXIMITY OF LAND; EXCHANGES OF LAND.—Section 11(b) of the Act of December 22, 1974 (25 U.S.C. 640d-10(b)) is amended by striking “(b) A border” and inserting the following:

“(b) PROXIMITY OF LAND TO BE TRANSFERRED OR ACQUIRED.—A border”.

(c) SELECTION OF LAND.—Section 11(c) of the Act of December 22, 1974 (25 U.S.C. 640d-10(c)) is amended—

(1) by striking “(c) Lands” and inserting the following:

“(c) SELECTION OF LAND TO BE TRANSFERRED OR ACQUIRED.—Land”; and

(2) by striking the period at the end and inserting the following: “; *Provided further*, That the authority of the Commissioner to select lands under this subsection shall terminate on September 30, 2008.”.

(d) REPORTS.—Section 11(d) of the Act of December 22, 1974 (25 U.S.C. 640d-10(d)) is amended by striking “(d) The” and inserting the following:

“(d) REPORTS.—The”.

(e) PAYMENTS.—Section 11(e) of the Act of December 22, 1974 (25 U.S.C. 640d-10(e)) is amended by striking “(e) Payments” and inserting the following:

“(e) PAYMENTS.—Payments”.

(f) ACQUISITION OF TITLE TO SURFACE AND SUBSURFACE INTERESTS.—Section 11(f) of the Act of December 22, 1974 (25 U.S.C. 640d-10(f)) is amended—

(1) by striking “(f)(1) For” and inserting the following:

“(f) ACQUISITION OF TITLE TO SURFACE AND SUBSURFACE INTERESTS.—

“(1) IN GENERAL.—For”;

(2) in paragraph (2), by striking “(2) If” and inserting the following:

“(2) PUBLIC NOTICE; REPORT.—If”; and

(3) in paragraph (3), by striking “(3) In any case where” and inserting the following:

“(3) RIGHTS OF SUBSURFACE OWNERS.—If”.

(g) LAND NOT AVAILABLE FOR TRANSFER.—Section 11(g) of the Act of December 22, 1974 (25 U.S.C. 640d-10(g)) is amended by striking “(g) No” and inserting the following:

“(g) LAND NOT AVAILABLE FOR TRANSFER.—No”.

(h) ADMINISTRATION OF LAND TRANSFERRED OR ACQUIRED.—Section 11(h) of the Act of December 22, 1974 (25 U.S.C. 640d-10(h)) is amended—

(1) by striking “(h) The lands” and inserting the following:

“(h) ADMINISTRATION OF LAND TRANSFERRED OR ACQUIRED.—

“(1) IN GENERAL.—The land”; and

(2) by adding at the end the following:

“(2) RELOCATION.—

“(A) IN GENERAL.—In order to facilitate relocation of a member of a Tribe, the Commissioner may grant a homesite lease on land acquired under this section to a member of the extended family of a Navajo Indian who is certified as eligible to receive benefits under this Act.

“(B) EXCEPTION.—The Commissioner may not use any funds available to the Commissioner to carry out this Act to provide housing to an extended family member described in subparagraph (A).”.

(i) NEGOTIATIONS REGARDING LAND EXCHANGES AND LEASES.—Section 11(i) of the Act of December 22, 1974 (25 U.S.C. 640d-10(i)) is amended—

(1) by striking “(i) The” and inserting the following:

“(i) NEGOTIATIONS REGARDING LAND EXCHANGES AND LEASES.—The”; and

(2) by striking “section 23” and inserting “section 19”.

#### SEC. 108. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

Section 12 of the Act of December 22, 1974 (25 U.S.C. 640d-11) is amended—

(1) by striking “SEC. 12. (a) There is hereby” and inserting the following:

“SEC. 8. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

“(a) ESTABLISHMENT.—There is”;

(2) in subsection (b), by striking “(b) The” and inserting the following:

“(b) APPOINTMENT.—The”;

(3) in subsection (c)—

(A) by striking “(c)(1)(A) Except” and inserting the following:

“(c) CONTINUATION OF POWERS.—

“(1) POWERS AND DUTIES OF COMMISSIONER; EXISTING FUNDS.—

“(A) POWERS AND DUTIES OF COMMISSIONER.—Except”;

(B) in paragraph (1)(B), by striking “(B) All” and inserting the following:

“(B) EXISTING FUNDS.—All”; and

(C) in paragraph (2), by striking “(2) There are hereby” and inserting the following:

“(2) TRANSFER OF POWERS.—There are”;

(4) in subsection (d)—

(A) by striking “(d)(1) Subject” and inserting the following:

“(d) POWERS OF COMMISSIONER.—

“(1) IN GENERAL.—Subject”;

(B) by adjusting the margins of subparagraphs (A) and (B) of paragraph (1) appropriately;

(C) in paragraph (2), by striking “(2) The” and inserting the following:

“(2) CONTRACTS.—The”; and

(D) in paragraph (3), by striking “(3) There” and inserting the following:

“(3) AUTHORIZATION OF APPROPRIATIONS.—There”;

(5) in subsection (e)—

(A) by striking “(e)(1)” and inserting the following:

“(e) ADMINISTRATION.—

“(1) ADMINISTRATIVE, FISCAL, AND HOUSEKEEPING SERVICES.—”.

(B) in paragraph (1)—

(i) in the first sentence, by striking “The” and inserting the following:

“(A) IN GENERAL.—The”; and

(ii) in the second sentence, by striking “In any” and inserting the following:

“(B) ASSISTANCE FROM DEPARTMENTS AND AGENCIES.—In any”; and

(C) in paragraph (2), by striking “(2) On” and inserting the following:

“(2) FAILURE TO PROVIDE ASSISTANCE.—On”;

(6) by striking subsection (f) and inserting the following:

“(f) TERMINATION.—

“(1) IN GENERAL.—The Office of Navajo and Hopi Indian Relocation shall terminate on September 30, 2008.

“(2) TRANSFER OF OFFICE DUTIES.—On the date of termination of the Office, any duty of the Office that has not been carried out, as determined in accordance with this Act, shall be transferred to the Secretary in accordance with title III of the Navajo-Hopi Land Settlement Amendments of 2005.”; and

(7) by adding at the end the following:

“(g) OFFICE OF RELOCATION.—

“(1) ESTABLISHMENT.—Effective on October 1, 2006, there is established in the Department of the Interior an Office of Relocation.

“(2) DUTIES.—The Secretary, acting through the Office of Relocation, shall carry out the duties of the Office of Navajo and Hopi Indian Relocation that are transferred to the Secretary in accordance with title III of the Navajo-Hopi Land Settlement Amendments of 2005.

“(3) TERMINATION.—The Office of Relocation shall terminate on the date on which the Secretary determines that the duties of the Office have been carried out.”.

#### SEC. 109. REPORT.

Section 13 of the Act of December 22, 1974 (25 U.S.C. 640d-12) is amended—

(1) by striking “SEC. 13. (a) By no” and inserting the following:

“SEC. 9. REPORT.

“(a) IN GENERAL.—Not”; and

(2) in subsection (b)—

(A) by striking “(b) The” and inserting the following:

“(b) INCLUSIONS.—The”; and

(B) by striking “contain, among other matters, the following:” and inserting “include—”.

#### SEC. 110. RELOCATION OF HOUSEHOLDS AND MEMBERS.

Section 14 of the Act of December 22, 1974 (25 U.S.C. 640d-13) is amended—

(1) by striking “SEC. 14. (a)” and inserting the following:

“SEC. 10. RELOCATION OF HOUSEHOLDS AND MEMBERS.

“(a) AUTHORIZATION.—”;

(2) in subsection (a)—

(A) in the first sentence—

(i) by striking “Consistent” and inserting the following:

“(1) IN GENERAL.—Consistent”;

(ii) by striking “section 8” each place it appears and inserting “section 4”; and

(iii) by striking “section 3 or 4” and inserting “section [I] 2”;

(B) by striking the second sentence;

(C) in the third sentence, by striking “No further” and inserting the following:

“(2) SETTLEMENTS OF NAVAJO.—No further”;

(D) in the fourth sentence, by striking “No further” and inserting the following:

“(3) SETTLEMENTS OF HOPI.—No further”; and

(E) in the fifth sentence, by striking “No individual” and inserting the following:

“(4) GRAZING.—No individual”;

(3) in subsection (b)—

(A) by striking “(b) In addition” and inserting the following:

“(b) ADDITIONAL PAYMENTS TO HEADS OF HOUSEHOLDS.—In addition”;

(B) by striking “section 15” and inserting “section 11”; and

(C) by striking “section 13” and inserting “section 9”;

(4) in subsection (c), by striking “(c) No” and inserting the following:

“(c) PAYMENTS FOR PERSONS MOVING AFTER A CERTAIN DATE.—No”; and

(5) by adding at the end the following:

“(d) PROHIBITION.—No payment for benefits under this Act may be made to any head of a household if, as of September 30, 2005, that head of household has not been certified as eligible to receive the payment.”.

#### SEC. 111. RELOCATION HOUSING.

Section 15 of the Act of December 22, 1974 (25 U.S.C. 640d-14) is amended—

(1) by striking “SEC. 15. (a)” and inserting the following:

#### “SEC. 11. RELOCATION HOUSING.

“(a) PURCHASE OF HABITATION AND IMPROVEMENTS.—”;

(2) in subsection (a)—

(A) in the first sentence, by striking “The Commission” and inserting the following:

“(1) IN GENERAL.—The Commission”; and

(B) in the second sentence—

(i) by striking “The purchase” and inserting the following:

“(2) PURCHASE PRICE.—The purchase”; and

(ii) by striking “as determined under clause (2) of subsection (b) of section 13”;

(3) in subsection (b)—

(A) by striking “(b) In addition” and inserting the following:

“(b) REIMBURSEMENT FOR MOVING EXPENSES AND PAYMENT FOR REPLACEMENT DWELLING.—In addition”;

(B) by striking “shall.” and inserting “shall—”; and

(C) in paragraph (1), by inserting “and” after the semicolon at the end;

(4) in subsection (c)—

(A) by striking “(c) In implementing” and inserting the following:

“(c) STANDARDS; CERTAIN PAYMENTS.—

“(1) STANDARDS.—In carrying out”; and

(B) in the second sentence—

(i) by striking “No payment” and inserting the following:

“(2) CERTAIN PAYMENTS.—No payment”;

(ii) by striking “section 8” and inserting “section 4”; and

(iii) by striking “section 3 or 4” and inserting “section [ ] 2”;

(5) in subsection (d)—

(A) by striking “(d) The” and inserting the following:

“(d) METHODS OF PAYMENT.—The”;

(B) by striking “(1) Should” and inserting the following:

“(1) HOME OWNERSHIP OPPORTUNITY PROJECTS.—Should”;

(C) by striking “(2) Should” and inserting the following:

“(2) PURCHASED AND CONSTRUCTED DWELLINGS.—Should”;

(D) by striking “(3) Should” and inserting the following:

“(3) FAILURE TO ARRANGE RELOCATION.—Should”;

(6) in subsection (e)—

(A) by striking “(e) The” and inserting the following:

“(e) DISPOSAL OF ACQUIRED DWELLINGS AND IMPROVEMENTS.—The”;

(B) by striking “section 8” and inserting “section 4”; and

(C) by striking “section 3 or 4” and inserting “section [ ] 2”;

(7) in subsection (f), by striking “(f) Notwithstanding” and inserting the following:

“(f) PREFERENTIAL TREATMENT.—Notwithstanding”; and

(8) by striking subsection (g) and inserting the following:

“(g) BENEFITS HELD IN TRUST.—

“(1) IN GENERAL.—Not later than September 30, 2008, the Commissioner shall notify the Secretary of the identity of any head of household that, as of that date—

“(A) is certified as eligible to receive benefits under this Act;

“(B) does not reside on land that has been partitioned to the Tribe of which the head of household is a member; and

“(C) has not received a replacement home.

“(2) TRANSFER OF FUNDS.—Not later than September 30, 2008, the Commissioner shall transfer to the Secretary any funds not used by the Commissioner to make payments under this Act to eligible heads of households.

“(3) DISPOSITION OF TRANSFERRED FUNDS.—

“(A) IN GENERAL.—The Secretary shall hold any funds transferred under paragraph (2) in trust for the heads of households described in paragraph (1)(A).

“(B) PAYMENT AMOUNTS.—Of the funds held in trust under subparagraph (A), the Secretary shall make payments to heads of households described in paragraph (1)(A) in amounts that would have been made to the heads of households under this Act before September 30, 2008—

“(i) on receipt of a request of a head of household, to be used for a replacement home; or

“(ii) on the date of death of the head of household, if the head of household does not make a request under clause (i), in accordance with subparagraph (C).

“(C) DISTRIBUTION OF FUNDS ON DEATH OF HEAD OF HOUSEHOLD.—If the Secretary holds funds in trust under this paragraph for a head of household described in paragraph (1)(A) on the death of the head of household, the Secretary shall—

“(i) identify and notify any heir of the head of household; and

“(ii) distribute the funds held by the Secretary for the head of household to any heir—

“(I) immediately, if the heir is at least 18 years old; or

“(II) if the heir is younger than 18 years old on the date on which the Secretary identified the heir, on the date on which the heir attains the age of 18.

“(h) NOTIFICATION.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005, the Commissioner shall notify each eligible head of household who has not entered into a lease with the Hopi Tribe to reside on land partitioned to the Hopi Tribe, in accordance with section 700.138 of title 25, Code of Federal Regulations (or a successor regulation).

“(2) LIST.—On the date on which a notice period referred to in section 700.139 of title 25, Code of Federal Regulations (or a successor regulation), expires, the Commissioner shall submit to the Secretary and the United States Attorney for the District of Arizona a list containing the name and address of each eligible head of household who—

“(A) continues to reside on land that has not been partitioned to the Tribe of the head of household; and

“(B) has not entered into a lease to reside on that land.

“(3) CONSTRUCTION OF REPLACEMENT HOMES.—Before July 1, 2008, but not later than 90 days after receiving a notice of the imminent removal of a relocatee from land provided to the Hopi Tribe under this Act from the Secretary or the United States Attorney for the District of Arizona, the Commissioner may begin construction of a replacement home on any land acquired under section 6.

“(i) APPEALS.—

“(1) IN GENERAL.—The Commissioner shall establish an expedited hearing procedure for any appeal relating to the denial of eligibility for benefits under this Act (including regulations promulgated pursuant to this Act) that is pending on, or filed after, the date of enactment of Navajo-Hopi Land Settlement Amendments of 2005.

“(2) FINAL DETERMINATIONS.—The hearing procedure established under paragraph (1) shall—

“(A) provide for a hearing before an impartial third party, as the Commissioner determines necessary; and

“(B) ensure that a final determination is made by the Office of Navajo and Hopi Indian Relocation for each appeal described in paragraph (1) by not later than January 1, 2008.

“(3) NOTICE.—

“(A) IN GENERAL.—Not later than 30 days after the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005, the Commissioner shall provide written notice to any individual that the Commissioner determines may have the right to a determination of eligibility for benefits under this Act.

“(B) REQUIREMENTS FOR NOTICE.—The notice provided under subparagraph (A) shall—

“(i) specify that a request for a determination of eligibility for benefits under this Act shall be presented to the Commission not later than 180 days after the date on which the notice is issued; and

“(ii) be provided—

“(I) by mail (including means other than certified mail) to the last known address of the recipient; and

“(II) in a newspaper of general circulation in the geographic area in which an address referred to in subclause (I) is located.

“(j) PROCUREMENT OF SERVICES.—

“(1) IN GENERAL.—Notwithstanding any other provision of this Act, to ensure the full and fair evaluation of the requests referred to in subsection (i)(3)(A) (including an appeal hearing before an impartial third party referred to in subsection (i)(2)(A)), the Commissioner may enter into such contracts or agreements to procure such services, and employ such personnel (including attorneys), as the Commissioner determines to be necessary.

“(2) DETAIL OF ADMINISTRATIVE LAW JUDGES OR HEARING OFFICERS.—The Commissioner may request the Secretary to act through the Director of the Office of Hearings and Appeals to make available to the Office of Navajo and Hopi Indian Relocation an administrative law judge or other hearing officer with appropriate qualifications to review the requests referred to in subsection (i)(3)(A), as determined by the Commissioner.

“(k) APPEAL TO UNITED STATES CIRCUIT COURT OF APPEALS.—

“(1) IN GENERAL.—Subject to paragraph (3), any individual who, under the procedures established by the Commissioner pursuant to this section, is determined not to be eligible to receive benefits under this Act may appeal that determination to the United States Circuit Court of Appeals for the Ninth Circuit (referred to in this subsection as the ‘Circuit Court’).

**“(2) REVIEW.—**

“(A) IN GENERAL.—The Circuit Court shall, with respect to each appeal described in paragraph (1)—

“(i) review the entire record (as certified to the Circuit Court under paragraph (3)) on which a determination of the ineligibility of the appellant to receive benefits under this Act was based; and

“(ii) on the basis of that review, affirm or reverse that determination.

“(B) STANDARD OF REVIEW.—The Circuit Court shall affirm any determination that the Circuit Court determines to be supported by substantial evidence.

**“(3) NOTICE OF APPEAL.—**

“(A) IN GENERAL.—Not later than 30 days after a determination of ineligibility under paragraph (1), an affected individual shall file a notice of appeal with—

“(i) the Circuit Court; and

“(ii) the Commissioner.

“(B) CERTIFICATION OF RECORD.—On receipt of a notice under subparagraph (A)(ii), the Commissioner shall submit to the Circuit Court the certified record on which the determination that is the subject of the appeal was made.

“(C) REVIEW PERIOD.—Not later than 60 days after receiving a certified record under subparagraph (B), the Circuit Court shall conduct a review and file a decision regarding an appeal in accordance with paragraph (2).

“(D) BINDING DECISION.—A decision made by the Circuit Court under this subsection shall be final and binding on all parties.”.

**SEC. 112. PAYMENT FOR USE OF LAND.**

Section 16 of the Act of December 22, 1974 (25 U.S.C. 640d-15) is amended—

(1) by striking “SEC. 16. (a) The Navajo” and inserting the following:

**“SEC. 12. PAYMENT FOR USE OF LAND.**

“(a) IN GENERAL.—The Navajo”;

(2) in subsection (a), by striking “sections 8 and 3 or 4” and inserting “sections [1] 2 and 4”;

(3) in subsection (b)—

(A) by striking “(b) The” and inserting the following:

“(b) PAYMENT.—The”; and

(B) by striking “sections 8 and 3 or 4” and inserting “sections [1] 2 and 4”.

**SEC. 113. EFFECT OF ACT.**

Section 17 of the Act of December 22, 1974 (25 U.S.C. 640d-16) is amended—

(1) by striking “SEC. 17. (a)” and inserting the following:

**“SEC. 13. EFFECT OF ACT.**

“(a) TITLE, POSSESSION, AND ENJOYMENT.—”;

(2) in subsection (a)—

(A) in the first sentence, by striking “Nothing” and inserting the following:

“(1) IN GENERAL.—Nothing”; and

(B) in the second sentence, by striking “Such” and inserting the following:

“(2) RESIDENCE ON OTHER RESERVATIONS.—Any”; and

(3) in subsection (b), by striking “(b) Nothing” and inserting the following:

“(b) FEDERAL EMPLOYEES.—Nothing”.

**SEC. 114. ACTIONS FOR ACCOUNTING, FAIR VALUE OF GRAZING, AND CLAIMS FOR DAMAGES TO LAND.**

Section 18 of the Act of December 22, 1974 (25 U.S.C. 640d-17) is amended—

(1) by striking “SEC. 18. (a) Either” and inserting the following:

**“SEC. 14. ACTIONS FOR ACCOUNTING, FAIR VALUE OF GRAZING, AND CLAIMS FOR DAMAGES TO LAND.**

“(a) ACTIONS BY TRIBES.—Either”;

(2) in subsection (a), by striking “section 3 or 4” and inserting “section [1] 2”;

(3) in subsection (b)—

(A) by striking “(b) Neither” and inserting the following:

“(b) DEFENSES.—Neither”; and

(B) by striking “section 3 or 4” and inserting “section [1] 2”;

(4) in subsection (c)—

(A) by striking “(c) Either” and inserting the following:

“(c) FURTHER ORIGINAL, ANCILLARY, OR SUPPLEMENTARY ACTS TO ENSURE QUIET ENJOYMENT.—

“(1) IN GENERAL.—Either”; and

(B) in the second sentence, by striking “Such actions” and inserting the following:

“(2) ACTION THROUGH CHAIRMAN.—An action under paragraph (1)”;

(5) in subsection (d)—

(A) by striking “(d) Except” and inserting the following:

“(d) UNITED STATES AS PARTY; JUDGMENTS AGAINST THE UNITED STATES.—

“(1) IN GENERAL.—Except”; and

(B) in the second sentence, by striking “Any judgment or judgments” and inserting the following:

“(2) EFFECT OF JUDGMENTS.—Any judgment”; and

(6) in subsection (e), by striking “(e) All” and inserting the following:

“(e) REMEDIES.—All”.

**SEC. 115. JOINT USE.**

Section 19 of the Act of December 22, 1974 (25 U.S.C. 640d-18) is amended—

(1) by striking “SEC. 19. (a) Notwithstanding” and inserting the following:

**“SEC. 15. JOINT USE.**

“(a) REDUCTION OF LIVESTOCK.—

“(1) IN GENERAL.—Notwithstanding”;

(2) in subsection (a)(1) (as designated by paragraph (1))—

(A) by striking “section 3 or 4” and inserting “section [1] 2”;

(B) in the second sentence, by striking “The Secretary is directed to” and inserting the following:

“(2) CONSERVATION PRACTICES AND METHODS.—The Secretary shall”;

(3) in subsection (b)—

(A) by striking “(b) The” and inserting the following:

“(b) SURVEY LOCATION OF MONUMENTS AND FENCING OF BOUNDARIES.—The”; and

(B) by striking “sections 8 and 3 or 4” each place it appears and inserting “sections [1] 2 and 4”;

(4) in subsection (c)—

(A) by striking “(c)(1) Surveying” and inserting the following:

“(c) SURVEYING, MONUMENTING, AND FENCING; LIVESTOCK REDUCTION PROGRAM.—

“(1) SURVEYING, MONUMENTING, AND FENCING.—Surveying”;

(B) in paragraph (1)—

(i) by striking “section 4” and inserting “section [1] 2”;

(ii) by striking “section 8” and inserting “section 4”;

(C) in paragraph (2), by striking “(2) The” and inserting the following:

“(2) LIVESTOCK REDUCTION PROGRAM.—The”.

**SEC. 116. RELIGIOUS CEREMONIES; PIPING OF WATER.**

Section 20 of the Act of December 22, 1974 (25 U.S.C. 640d-19) is amended by striking

“SEC. 20. The members” and inserting the following:

**“SEC. 16. RELIGIOUS CEREMONIAL USES; PIPING OF WATER.**

“The members”.

**SEC. 117. ACCESS TO RELIGIOUS SHRINES.**

Section 21 of the Act of December 22, 1974 (25 U.S.C. 640d-20) is amended by striking

“SEC. 21. Notwithstanding” and inserting the following:

**“SEC. 17. ACCESS TO RELIGIOUS SHRINES.**

“Notwithstanding”.

**SEC. 118. EXCLUSION OF PAYMENTS FROM CERTAIN FEDERAL DETERMINATIONS OF INCOME.**

Section 22 of the Act of December 22, 1974 (25 U.S.C. 640d-21) is amended—

(1) by striking “SEC. 22. The availability” and inserting the following:

**“SEC. 18. EXCLUSION OF PAYMENTS FROM CERTAIN FEDERAL DETERMINATIONS OF INCOME.**

“(a) IN GENERAL.—The availability”; and

(2) by striking “None of the funds” and inserting the following:

“(b) FEDERAL AND STATE INCOME TAXES.—None of the funds”.

**SEC. 119. AUTHORIZATION OF EXCHANGE.**

Section 23 of the Act of December 22, 1974 (25 U.S.C. 649d-22) is amended—

(1) by striking “SEC. 23. The Navajo” and inserting the following:

**“SEC. 19. AUTHORIZATION OF EXCHANGE.**

“(a) IN GENERAL.—The Navajo”; and

(2) in the second sentence—

(A) by striking “In the event that the Tribes should” and inserting the following:

“(b) NEGOTIATED EXCHANGES.—If the Tribes”; and

(B) by striking “sections 14 and 15” and inserting “sections 10 and 11”.

**SEC. 120. SEVERABILITY.**

Section 24 of the Act of December 22, 1974 (25 U.S.C. 640d-23) is amended by striking

“SEC. 24. If” and inserting the following:

**“SEC. 20. SEVERABILITY.**

“If”.

**SEC. 121. AUTHORIZATION OF APPROPRIATIONS.**

Section 25 of the Act of December 22, 1974 (25 U.S.C. 640d-24) is—

(1) moved so as to appear at the end of the Act; and

(2) amended to read as follows:

**“SEC. 27. AUTHORIZATION OF APPROPRIATIONS.**

“(a) RELOCATION OF HOUSEHOLDS AND MEMBERS.—There is authorized to be appropriated to carry out section 10(b) \$13,000,000.

“(b) RELOCATION OF HOUSEHOLDS AND MEMBERS.—There are authorized to be appropriated to carry out section 11 such sums as are necessary for each of fiscal years 2006 through 2008.

“(c) RETURN TO CARRYING CAPACITY AND INSTITUTION OF CONSERVATION PRACTICES.—There is authorized to be appropriated to carry out section 15(a) \$10,000,000.

“(d) SURVEY LOCATION OF MONUMENTS AND FENCING OF BOUNDARIES.—There is authorized to be appropriated to carry out section 15(b) \$500,000.”.

**SEC. 122. FUNDING AND CONSTRUCTION OF HIGH SCHOOL AND MEDICAL CENTER.**

Section 27 of the Act of December 22, 1974 (25 U.S.C. 640d-25) is amended by striking

“SEC. 27.” and all that follows through “(c) The Secretary” and inserting the following:

**“SEC. 21. FUNDING AND CONSTRUCTION OF HIGH SCHOOL AND MEDICAL CENTER.**

“The Secretary”.

**SEC. 123. ENVIRONMENTAL IMPACT; WILDERNESS STUDY; CANCELLATION OF LEASES AND PERMITS.**

Section 28 of the Act of December 22, 1974 (25 U.S.C. 640d-26) is amended—

(1) by striking “SEC. 28. (a) No action” and inserting the following:

**“SEC. 22. ENVIRONMENTAL IMPACT; WILDERNESS STUDY; CANCELLATION OF LEASES AND PERMITS.**

“(a) IN GENERAL.—No action”;

(2) in subsection (b), by striking “(b) Any” and inserting the following:

“(b) EFFECT OF WILDERNESS STUDY.—Any”; and

(3) by adding at the end the following:

“(c) CONSTRUCTION REQUIREMENTS.—

“(1) IN GENERAL.—Any construction activity under this Act shall be carried out in accordance with sections 3 through 7 of the Act

of June 27, 1960 (16 U.S.C. 469a-1 through 469c).

“(2) COMPLIANCE WITH OTHER REQUIREMENTS.—If a construction activity meets the requirements under paragraph (1), the activity shall be considered to be in accordance with any applicable requirement of—

“(A) Public Law 89-665 (80 Stat. 915); and  
“(B) the Act of June 8, 1906 (34 Stat. 225, chapter 3060).”.

**SEC. 124. ATTORNEY FEES AND COURT COSTS.**

Section 29 of the Act of December 22, 1974 (25 U.S.C. 640d-27) is amended—

(1) by striking “SEC. 29. (a)” and inserting the following:

**“SEC. 23. ATTORNEY FEES AND COURT COSTS.**

“(a) IN GENERAL.—”;  
(2) in subsection (a)—  
(A) by striking “In any” and inserting the following:

“(1) IN GENERAL.—In any”; and  
(B) by striking “For each” and inserting the following:

“(2) AUTHORIZATION OF APPROPRIATIONS.—For each”;

(3) in subsection (b)—  
(A) by striking “(b) Upon” and inserting the following:

“(b) AWARD BY COURT.—  
“(1) IN GENERAL.—On”; and  
(B) in the second sentence, by striking “Any party” and inserting the following:

“(2) REIMBURSEMENT OF UNITED STATES.—Any party”;

(4) in subsection (c), by striking “(c) To” and inserting the following:

“(c) EXCESS DIFFERENCE.—To”; and  
(5) in subsection (d)—  
(A) by striking “(d) This” and inserting the following:

“(d) APPLICATION OF SECTION.—This”; and  
(B) by striking “section 8 or 18(a) of this Act” and inserting “section 4 or section 14(a)”.

**SEC. 125. LOBBYING.**

Section 31 of the Act of December 22, 1974 (25 U.S.C. 640d-29) is amended—

(1) by striking “SEC. 31. (a) Except” and inserting the following:

**“SEC. 24. LOBBYING.**

“(a) IN GENERAL.—Except”; and  
(2) in subsection (b), by striking “(b) Subsection” and inserting the following:

“(b) APPLICABILITY.—Subsection”.

**SEC. 126. NAVAJO REHABILITATION TRUST FUND.**

The first section designated as section 32 of the Act of December 22, 1974 (25 U.S.C. 640d-30) is amended—

(1) by striking “SEC. 32. (a) There” and inserting the following:

**“SEC. 25. NAVAJO REHABILITATION TRUST FUND.**

“(a) ESTABLISHMENT.—There”;  
(2) in subsection (b), by striking “(b) All” and inserting the following:

“(b) DEPOSIT OF INCOME INTO FUND.—All”;  
(3) in subsection (c), by striking “(c) The” and inserting the following:

“(c) INVESTMENT OF FUNDS.—The”;  
(4) in subsection (d)—  
(A) by striking “(d) Funds” and inserting the following:

“(d) AVAILABILITY OF FUNDS.—Funds”;

(B) in paragraph (1), by striking “proceedings,” and inserting “proceedings;”; and  
(C) in paragraph (2), by striking “Act, or” and inserting “Act; or”;

(5) in subsection (e)—  
(A) by striking “(e) By December 1” and inserting the following:

“(e) EXPENDITURE OF FUNDS.—  
“(1) IN GENERAL.—Not later than December 1”; and  
(B) in the second sentence, by striking “Such framework is to be” and inserting the following:

“(2) REQUIREMENT.—The framework under paragraph (1) shall be”;

(6) in subsection (f)—  
(A) by striking “(f) The” and inserting the following:

“(f) TERMINATION.—  
“(1) IN GENERAL.—The”; and  
(B) in the second sentence, by striking “All funds” and inserting the following:

“(2) TRANSFER OF REMAINING FUNDS.—All funds”; and  
(7) in subsection (g)—  
(A) by striking “(g) There is hereby” and inserting the following:

“(g) AUTHORIZATION OF APPROPRIATIONS.—  
“(1) IN GENERAL.—There is”;  
(B) in the first sentence, by striking “1990, 1991, 1992, 1993, 1994, and 1995” and inserting “2006 through 2008”; and  
(C) in the second sentence, by striking “The income” and inserting the following:

“(2) INCOME FROM LAND.—The income”.

**SEC. 127. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.**

The second section designated as section 32 of the Act of December 22, 1974 (25 U.S.C. 640-31) is amended by striking “SEC. 32. Nothing” and inserting the following:

**“SEC. 26. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.”**

“Nothing”.

**TITLE II—PERSONNEL OF THE OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION**

**SEC. 201. RETENTION PREFERENCE.**

The second sentence of section 3501(b) of title 5, United States Code, is amended—

(1) by striking “or” after “Senate” and inserting a comma;

(2) by striking “or” after “Service” and inserting a comma; and  
(3) by inserting “, or to an employee of the Office of Navajo and Hopi Indian Relocation” before the period.

**SEC. 202. SEPARATION PAY.**

(a) IN GENERAL.—Chapter 55 of title 5, United States Code, is amended by adding at the end the following:

**“§ 5598 Separation pay for certain employees of the Office of Navajo and Hopi Indian Relocation**

“(a) IN GENERAL.—Except as provided in subsections (b) and (c), the Commissioner of the Office of Navajo and Hopi Indian Relocation shall establish a program to offer separation pay to employees of the Office of Navajo and Hopi Indian Relocation (referred to in this section as the ‘Office’) in the same manner as the Secretary of Defense offers separation pay to employees of a defense agency under section 5597.

“(b) SEPARATION PAY.—  
“(1) IN GENERAL.—Under the program established under subsection (a), the Commissioner of the Office may offer separation pay only to employees within an occupational group or at a pay level that minimizes the disruption of ongoing Office programs at the time that the separation pay is offered.

“(2) REQUIREMENT.—Any separation pay offered under this subsection—  
“(A) shall be paid in a lump sum;  
“(B) shall be in an amount equal to \$25,000, if paid on or before December 31, 2007;  
“(C) shall be in an amount equal to \$20,000, if paid after December 31, 2007, and before January 1, 2009;  
“(D) shall be in an amount equal to \$15,000, if paid after December 31, 2008, and before January 1, 2010;  
“(E) shall not—  
“(i) be a basis for payment;  
“(ii) be considered to be income for the purposes of computing any other type of benefit provided by the Federal Government; and  
“(F) if an individual is otherwise entitled to receive any severance pay under section 5595 on the basis of any other separation,

shall not be payable in addition to the amount of the severance pay to which that individual is entitled under section 5595.

“(c) PROHIBITION.—No amount shall be payable under this section to any employee of the Office for any separation occurring after December 31, 2009.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 55 of title 5 is amended by adding at the end the following:

“5598. Separation pay for certain employees of the Office of Navajo and Hopi Indian Relocation”.

**SEC. 203. FEDERAL RETIREMENT.**

(a) CIVIL SERVICE RETIREMENT SYSTEM.—  
(1) IMMEDIATE RETIREMENT.—Section 8336(j)(1)(B) of title 5, United States Code, is amended by inserting “or was employed by the Office of Navajo and Hopi Indian Relocation during the period beginning on January 1, 1985, and ending on the date of separation of that employee” before the final comma.

(2) COMPUTATION OF ANNUITY.—Section 8339(d) of title 5, United States Code, is amended by adding at the end the following:

“(8) The annuity of an employee of the Office of Navajo and Hopi Indian Relocation described in section 8336(j)(1)(B) shall be determined under subsection (a), except that with respect to service of that employee on or after January 1, 1985, the annuity of that employee shall be in an amount equal to the sum of—  
“(A) the product obtained by multiplying—  
“(i) 2½ percent of the average pay of the employee; and  
“(ii) the quantity of service of the employee on or after January 1, 1985, that does not exceed 10 years; and  
“(B) the product obtained by multiplying—  
“(i) 2 percent of the average pay of the employee; and  
“(ii) the quantity of the service of the employee on or after January 1, 1985, that exceeds 10 years.”.

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—  
(1) IMMEDIATE RETIREMENT.—Section 8412 of title 5, United States Code, is amended by adding at the end the following:

“(i) An employee of the Office of Navajo and Hopi Indian Relocation is entitled to an annuity if that employee—  
“(1) has been continuously employed in the Office of Navajo and Hopi Indian Relocation during the period beginning on January 1, 1985, and ending on the date of separation of that individual; and  
“(2)(A) has completed 25 years of service at any age; or  
“(B) has attained the age of 50 years and has completed 20 years of service.”.

(2) COMPUTATION OF BASIC ANNUITY.—Section 8415 of title 5, United States Code, is amended—

[(1) by redesignating subsection (1) as subsection (m);  
(2) by redesignating the second subsection designated as subsection (k) as subsection (l); and  
(3) by adding at the end the following:]  
(A) by redesignating subsection (l) as subsection (m);  
(B) by redesignating the second subsection designated as subsection (k) as subsection (l); and  
(C) by adding at the end the following:

“(n) The annuity of an employee retiring under section 8412(i) shall be determined in accordance with subsection (d), except that with respect to service during the period beginning on January 1, 1985, the annuity of the employee shall be an amount equal to the sum of—  
“(1) the product obtained by multiplying—  
“(A) 2 percent of the average pay of the employee; and

“(B) the quantity of the total service of the employee that does not exceed 10 years; and

“(2) the product obtained by multiplying—  
“(A) 1½ percent of the average pay of the employee; and

“(B) the quantity of the total service of the employee that exceeds 10 years.”.

### TITLE III—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

#### SEC. 301. DEFINITIONS.

In this title:

(1) FEDERAL AGENCY.—The term “Federal agency” has the meaning given the term “agency” in section 551(1) of title 5, United States Code.

(2) FUNCTION.—The term “function” means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(3) OFFICE.—The term “Office” means the Office of Navajo and Hopi Relocation (including any component of that office).

#### SEC. 302. TRANSFER OF FUNCTIONS.

Effective on the date of enactment of this Act, there is transferred to the Secretary of the Interior any function of the Office that has not been carried out by the Office on the date of enactment of this Act, as determined by the Secretary of the Interior in accordance with the Act of December 22, 1974 (25 U.S.C. 640 et seq.) (as amended by title I).

#### SEC. 303. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Except as otherwise provided in this Act and the amendments made by this Act, any asset, liability, contract, property, record, or unexpended balance of appropriations, authorizations, allocations, and other funds made available to carry out the functions transferred by this title shall be transferred to the Secretary of the Interior, subject to section 1531 of title 31, United States Code.

(b) USE OF FUNDS.—Any unexpended funds transferred under subsection (a) shall be used only for the purposes for which the funds were originally authorized and appropriated.

#### SEC. 304. EFFECT OF TITLE.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—Any legal document relating to a function transferred by this title that is in effect on the date of enactment of this Act shall continue in effect in accordance with the terms of the document until the document is modified or terminated by—

- (1) the President;
- (2) the Secretary of the Interior;
- (3) a court of competent jurisdiction; or
- (4) operation of Federal or State law.

(b) PROCEEDINGS NOT AFFECTED.—This title shall not affect any proceeding (including a notice of proposed rulemaking, an administrative proceeding, and an application for a license, permit, certificate, or financial assistance) relating to a function transferred under this title that is pending before the Office of Navajo and Hopi Relocation on the date of enactment of this Act.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the McCain amendments at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table and that any statements related to the bill be printed in the RECORD.

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

The committee-reported amendments were agreed to.

The amendments (Nos. 3858 and 3859) were agreed to, as follows:

#### AMENDMENT NO. 3858

(Purpose: In the nature of a substitute)  
(The amendment is printed in today’s RECORD under “Text of Amendments.”)

#### AMENDMENT NO. 3859 TO AMENDMENT NO. 388

(Purpose: To modify a provision relating to the authorization of appropriations)

Strike section 121 of the amendment and insert the following:

#### SEC. 121. AUTHORIZATION OF APPROPRIATIONS.

Section 25 of the Act of December 22, 1974 (25 U.S.C. 640d-24), is—

(1) moved so as to appear at the end of the Act; and

(2) amended to read as follows:

#### “SEC. 26. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out section 11 such sums as are necessary for each of fiscal years 2006 through 2008.”.

The bill (S. 1003), as amended, was read the third time and passed, as follows:

#### S. 1003

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Navajo-Hopi Land Settlement Amendments of 2005”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Effect of Act.

#### TITLE I—AMENDMENTS TO THE ACT OF DECEMBER 22, 1974

Sec. 101. Repeal of sections.

Sec. 102. Short title; definitions.

Sec. 103. Joint ownership of minerals.

Sec. 104. Actions.

Sec. 105. Paiute Indian allotments.

Sec. 106. Partitioned and other designated land.

Sec. 107. Resettlement land for Navajo Tribe.

Sec. 108. Office of Navajo and Hopi Indian Relocation.

Sec. 109. Report.

Sec. 110. Relocation of households and members.

Sec. 111. Relocation housing.

Sec. 112. Payment for use of land.

Sec. 113. Effect of Act.

Sec. 114. Actions for accounting, fair value of grazing, and claims for damages to land.

Sec. 115. Joint use.

Sec. 116. Religious ceremonies; piping of water.

Sec. 117. Access to religious shrines.

Sec. 118. Exclusion of Payments from certain Federal determinations of income.

Sec. 119. Authorization of exchange.

Sec. 120. Severability.

Sec. 121. Authorization of appropriations.

Sec. 122. Discretionary fund.

Sec. 123. Attorney fees and court costs.

Sec. 124. Lobbying.

Sec. 125. Navajo Rehabilitation Trust Fund.

Sec. 126. Availability of Funds for relocation assistance.

#### TITLE II—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS

Sec. 201. Definitions.

Sec. 202. Transfer of functions.

Sec. 203. Personnel provisions.

Sec. 204. Delegation and assignment.

Sec. 205. Reorganization.

Sec. 206. Rules.

Sec. 207. Transfer and allocations of appropriations and personnel.

Sec. 208. Incidental transfers.

Sec. 209. Effect on personnel.

Sec. 210. Separability.

Sec. 211. Transition.

Sec. 212. Report.

Sec. 213. References.

Sec. 214. Additional conforming amendment.

Sec. 215. Effect of title.

Sec. 216. Effective date.

#### TITLE III—PERSONNEL OF THE OFFICE OF NAVAJO AND HOPI RELOCATION

Sec. 301. Separation pay.

Sec. 302. Federal retirement.

#### SEC. 2. FINDINGS.

Congress finds that—

(1) the Act of December 22, 1974 (25 U.S.C. 640d et seq.) (commonly known as the “Navajo-Hopi Land Settlement Act of 1974”) was enacted to address the century-long land disputes between the Navajo Tribe and the Hopi Tribe and to establish a relocation process to remove, by December 31, 1986, Navajos and Hopis from land allocated to the other tribe by requiring the filing of a relocation plan;

(2) the Office of Navajo and Hopi Relocation was established in 1988 as a temporary independent agency to implement a 1981 relocation plan under that Act to relocate eligible families that lived on disputed land as of December 22, 1974;

(3) the relocation process has been plagued with controversy and delay, and Congress has had to amend the Act several times to authorize the expansion of original relocation activity and to provide additional appropriations for the implementation of relocation activities;

(4) the Office of Navajo and Hopi Indian Relocation has reviewed over 4,600 applications, considered numerous appeals, provided relocation homes for over 3,600 families;

(5) the Office of Navajo and Hopi Indian Relocation has provided financial assistance and technical support to the Navajo Tribe and the Hopi Tribe to address the impacts of relocation, including the operation of livestock grazing programs and resources to assist in the resettlement of individuals;

(6) individual Navajos and Hopis have had over 20 years during which to apply for and receive relocation benefits or to appeal a finding of ineligibility through the Office of Navajo and Hopi Relocation and in Federal district court; and

(7) the Office of Navajo and Hopi Relocation has had sufficient time in which to notify potential eligible applicants of the opportunity to receive relocation benefits, to certify that specific individuals qualify for such benefits, and to provide eligible individuals with replacement housing, counseling, and other assistance to adapt to relocation on Indian land or within non-Indian communities.

#### SEC. 3. EFFECT OF ACT.

Nothing in this Act, or an amendment made by this Act—

(1) limits or otherwise affects any determination of a court, including a determination relating to an action pending as of the date of enactment of this Act, relating to a dispute of the Navajo Indian tribe or the Hopi Indian tribe with respect to—

(A) land; or

(B) any settlement agreement; or

(2) authorizes any cause of action not in existence on the day before the date of enactment of this Act.

#### TITLE I—AMENDMENTS TO THE ACT OF DECEMBER 22, 1974

#### SEC. 101. REPEAL OF SECTIONS.

(a) IN GENERAL.—The Act of December 22, 1974 (25 U.S.C. 640d et seq.), is amended in the first undesignated section by striking “That, (a) within” and all that follows through the end of the section.

(b) ADDITIONAL REPEALS.—Sections 2 through 5 and sections 26, 28, and 30 of the

Act of December 22, 1974 (25 U.S.C. 640d-1 through 640d-4; 88 Stat. 1723; 25 U.S.C. 640d-26, 640d-28), are repealed.

**SEC. 102. SHORT TITLE; DEFINITIONS.**

Section 6 of the Act of December 22, 1974 (25 U.S.C. 640d-5), is amended by striking “SEC. 6. The Mediator” and all that follows through the end of the section and inserting the following:

**“SECTION 1. SHORT TITLE.**

“This Act may be cited as the ‘Navajo-Hopi Land Settlement Act’.

**“SEC. 2. DEFINITIONS.**

“In this Act:

“(1) DISTRICT COURT.—The term ‘District Court’ means the United States District Court for the District of Arizona.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(3) TRIBE.—The term ‘Tribe’ means—

“(A) the Navajo Indian Tribe; and

“(B) the Hopi Indian Tribe.”.

**SEC. 103. JOINT OWNERSHIP OF MINERALS.**

Section 7 of the Act of December 22, 1974 (25 U.S.C. 640d-6), is amended—

(1) by striking “SEC. 7. Partition” and inserting the following:

**“SEC. 3. JOINT OWNERSHIP OF MINERALS.**

“(a) IN GENERAL.—Partition”; and

(2) in the second sentence, by striking “All” and inserting the following:

“(b) JOINT MANAGEMENT.—All”.

**SEC. 104. ACTIONS.**

Section 8 of the Act of December 22, 1974 (25 U.S.C. 640d-7), is amended—

(1) by striking “SEC. 8. (a) Either Tribe” and inserting the following:

**“SEC. 4. ACTIONS.**

“(a) ACTIONS IN DISTRICT COURT.—Either Tribe”;

(2) in subsection (b)—

(A) in the first sentence, by striking “(b) Lands, if any,” and inserting the following:

“(b) ALLOCATION OF LAND.—

“(1) NAVAJO RESERVATION.—Any land”;

(B) in the second sentence, by striking “Lands, if any,” and inserting the following:

“(2) HOPI RESERVATION.—Any land”;

(C) in the third sentence, by striking “Any lands” and inserting the following:

“(3) JOINT AND UNDIVIDED INTERESTS.—Any land”;

(3) in subsection (c)—

(A) by striking “(c)(1) Either” and inserting the following:

“(c) EXCHANGE OF LAND.—

“(1) IN GENERAL.—Either”;

(B) in paragraph (2), by striking “(2) In the event” and inserting the following:

“(2) INTERESTS OF TRIBES.—If”;

(C) in paragraph (3), by striking “(3) Neither” and inserting the following:

“(3) DEFENSE.—Neither”; and

(D) by striking “section 18” each place it appears and inserting “section 14”;

(4) in subsection (d), by striking “(d) Nothing” and inserting the following:

“(d) EFFECT OF SECTION.—Nothing”;

(5) in subsection (e), by striking “(e) The” and inserting the following:

“(e) PAYMENT OF LEGAL FEES, COURT COSTS, AND OTHER EXPENSES.—The”; and

(6) by striking subsection (f).

**SEC. 105. PAIUTE INDIAN ALLOTMENTS.**

Section 9 of the Act of December 22, 1974 (25 U.S.C. 640d-8), is amended by striking “SEC. 9. Notwithstanding” and inserting the following:

**“SEC. 5. PAIUTE INDIAN ALLOTMENTS.**

“Notwithstanding”.

**SEC. 106. PARTITIONED AND OTHER DESIGNATED LAND.**

Section 10 of the Act of December 22, 1974 (25 U.S.C. 640d-9), is amended—

(1) by striking “SEC. 10. (a) Subject” and inserting the following:

**“SEC. 6. PARTITIONED AND OTHER DESIGNATED LAND.**

“(a) NAVAJO TRUST LAND.—Subject”;

(2) in subsection (a), by striking “section 9 and subsection (a) of section 17” and inserting “sections 5 and 13(a)”;

(3) in subsection (b)—

(A) by striking “(b) Subject” and inserting the following:

“(b) HOPI TRUST LAND.—Subject”;

(B) by striking “section 9 and subsection (a) of section 17” and inserting “sections 5 and 13(a)”;

(C) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 3 or 4”; and

(D) by striking “section 8” and inserting “section 4”;

(4) in subsection (c)—

(A) by striking “(c) The” and inserting the following:

“(c) PROTECTION OF RIGHTS AND PROPERTY.—The”; and

(B) by striking “pursuant thereto” and all that follows through the end of the subsection and inserting “pursuant to this Act”;

(5) in subsection (d), by striking “(d) With” and inserting the following:

“(d) PROTECTION OF BENEFITS AND SERVICES.—With”; and

(6) in subsection (e)—

(A) by striking “(e)(1) Lands” and inserting the following:

“(e) TRIBAL JURISDICTION OVER PARTITIONED LAND.—

“(1) IN GENERAL.—Land”;

(B) by adjusting the margins of subparagraphs (A) and (B) of paragraph (1) appropriately; and

(C) in the matter following subparagraph (B)—

(i) by striking “The provisions” and inserting the following:

“(2) RESPONSIBILITY OF SECRETARY.—The provisions”; and

(ii) by striking “life tenants and”.

**SEC. 107. RESETTLEMENT LAND FOR NAVAJO TRIBE.**

(a) IN GENERAL.—Section 11(a) of the Act of December 22, 1974 (25 U.S.C. 640d-10(a)), is amended—

(1) by striking “SEC. 11. (a) The Secretary” and inserting the following:

**“SEC. 7. RESETTLEMENT LAND FOR NAVAJO TRIBE.**

“(a) TRANSFER OF LAND.—

“(1) IN GENERAL.—The Secretary”;

(2) by striking “(1) transfer not to exceed two hundred and fifty thousand acres of lands” and inserting the following:

“(A) transfer not more than 250,000 acres of land (including any acres previously transferred under this Act)”;

(3) by striking “Tribe: *Provided*, That” and all that follows through “as possible.” and inserting “Tribe; and”;

(4) in the first paragraph designated as paragraph (2)—

(A) by striking “(2) on behalf” and inserting the following:

“(B) on behalf”; and

(B) by striking the second sentence;

(5) in the matter following paragraph (1)(B) (as redesignated by paragraph (4))—

(A) in the first sentence—

(i) by striking “Subject to” and all that follows through “all rights” and inserting the following:

“(4) REQUIREMENTS OF TRANSFER.—

“(A) IN GENERAL.—Subject to this paragraph, all rights”; and

(ii) by striking “paragraph (1)” and inserting “paragraph (1)(A)”;

(B) in the second sentence, by striking “So long as” and inserting the following:

“(B) COAL LEASE APPLICATIONS.—

“(i) IN GENERAL.—If”;

(C) in the third sentence, by striking “If such adjudication” and inserting the following:

“(i) ISSUANCE OF LEASES.—If an adjudication under clause (i)”;

(D) in the fourth sentence, by striking “The leaseholders rights and interests” and inserting the following:

“(iii) RIGHTS AND INTERESTS OF LEASEHOLDERS.—The rights and interests of a holder of a lease described in clause (i)”;

(E) in the fifth sentence, by striking “If any” and inserting the following:

“(C) CLAIMS UNDER MINING LAW.—If any”;

(6) by inserting after paragraph (1)(B) (as redesignated by paragraph (4)) the following:

“(2) EXCHANGE OF LAND.—

“(A) IN GENERAL.—In order to facilitate a transfer of land under paragraph (1)(A), the Secretary may exchange land described in paragraph (1)(A) for State or private land of equal value.

“(B) UNEQUAL VALUE.—If the State or private land described in subparagraph (A) is of unequal value to the land described in paragraph (1)(A), the recipient of the land that is of greater value shall pay to the other party to the exchange under subparagraph (A) compensation in an amount not to exceed the lesser of—

“(i) the difference between the values of the land exchanged; or

“(ii) the amount that is 25 percent of the total value of the land transferred from the Secretary to the Navajo Tribe.

“(C) RESPONSIBILITY OF SECRETARY.—The Secretary shall make reasonable efforts to reduce any payment under subparagraph (B) to the lowest practicable amount.

“(3) TITLE TO LAND ACCEPTED.—The Secretary shall accept title to land under subparagraphs (A) and (B) of paragraph (1) on behalf of the United States in trust for the benefit of the Navajo Tribe as a part of the Navajo reservation.”; and

(7) in the second paragraph designated as paragraph (2)—

(A) in the first sentence—

(i) by striking “(2) Those” and inserting the following:

“(5) STATE RIGHTS.—

“(A) IN GENERAL.—The”; and

(ii) by striking “subsection 2 of this section” and inserting “paragraph (1)(B)”;

(B) in the second sentence, by striking “The” and inserting the following:

“(B) STATE INTERESTS.—The”.

(b) PROXIMITY OF LAND; EXCHANGES OF LAND.—Section 11(b) of the Act of December 22, 1974 (25 U.S.C. 640d-10(b)), is amended by striking “(b) A border” and inserting the following:

“(b) PROXIMITY OF LAND TO BE TRANSFERRED OR ACQUIRED.—A border”.

(c) SELECTION OF LAND.—Section 11(c) of the Act of December 22, 1974 (25 U.S.C. 640d-10(c)), is amended—

(1) by striking “(c) Lands” and inserting the following:

“(c) SELECTION OF LAND TO BE TRANSFERRED OR ACQUIRED.—Land”; and

(2) by striking the period at the end and inserting the following: “: *Provided further*, That the authority of the Commissioner to select lands under this subsection shall terminate on September 30, 2008.”.

(d) REPORTS.—Section 11(d) of the Act of December 22, 1974 (25 U.S.C. 640d-10(d)), is amended by striking “(d) The” and inserting the following:

“(d) REPORTS.—The”.

(e) PAYMENTS.—Section 11(e) of the Act of December 22, 1974 (25 U.S.C. 640d-10(e)), is amended by striking “(e) Payments” and inserting the following:

“(e) PAYMENTS.—Payments”.

(f) ACQUISITION OF TITLE TO SURFACE AND SUBSURFACE INTERESTS.—Section 11(f) of the

Act of December 22, 1974 (25 U.S.C. 640d-10(f)), is amended—

(1) by striking “(f)(1) For” and inserting the following:

“(f) ACQUISITION OF TITLE TO SURFACE AND SUBSURFACE INTERESTS.—

“(1) IN GENERAL.—For”;

(2) in paragraph (2), by striking “(2) If” and inserting the following:

“(2) PUBLIC NOTICE; REPORT.—If”;

(3) in paragraph (3), by striking “(3) In any case where” and inserting the following:

“(3) RIGHTS OF SUBSURFACE OWNERS.—If”;

(g) LAND NOT AVAILABLE FOR TRANSFER.—Section 11(g) of the Act of December 22, 1974 (25 U.S.C. 640d-10(g)), is amended by striking “(g) No” and inserting the following:

“(g) LAND NOT AVAILABLE FOR TRANSFER.—No”.

(h) ADMINISTRATION OF LAND TRANSFERRED OR ACQUIRED.—Section 11(h) of the Act of December 22, 1974 (25 U.S.C. 640d-10(h)), is amended—

(1) by striking “(h) The lands” and inserting the following:

“(h) ADMINISTRATION OF LAND TRANSFERRED OR ACQUIRED.—

“(1) IN GENERAL.—The land”;

(2) by adding at the end the following:

“(2) RELOCATION.—

“(A) IN GENERAL.—In order to facilitate relocation of a member of a Tribe, the Commissioner may grant a homesite lease on land acquired under this section to a member of the extended family of a Navajo Indian who is certified as eligible to receive benefits under this Act.

“(B) EXCEPTION.—The Commissioner may not use any funds available to the Commissioner to carry out this Act to provide housing to an extended family member described in subparagraph (A).”.

(i) NEGOTIATIONS REGARDING LAND EXCHANGES AND LEASES.—Section 11(i) of the Act of December 22, 1974 (25 U.S.C. 640d-10(i)), is amended—

(1) by striking “(i) The” and inserting the following:

“(i) NEGOTIATIONS REGARDING LAND EXCHANGES AND LEASES.—The”;

(2) by striking “section 23” and inserting “section 19”.

#### SEC. 108. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

Section 12 of the Act of December 22, 1974 (25 U.S.C. 640d-11), is amended—

(1) by striking “SEC. 12. (a) There is hereby” and inserting the following:

“SEC. 8. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION.

“(a) ESTABLISHMENT.—There is”;

(2) in subsection (b), by striking “(b) The” and inserting the following:

“(b) APPOINTMENT.—The”;

(3) in subsection (c)—

(A) by striking “(c)(1)(A) Except” and inserting the following:

“(c) CONTINUATION OF POWERS.—

“(1) POWERS AND DUTIES OF COMMISSIONER; EXISTING FUNDS.—

“(A) POWERS AND DUTIES OF COMMISSIONER.—Except”;

(B) in paragraph (1)(B), by striking “(B) All” and inserting the following:

“(B) EXISTING FUNDS.—All”;

(C) in paragraph (2), by striking “(2) There are hereby” and inserting the following:

“(2) TRANSFER OF POWERS.—There are”;

(4) in subsection (d)—

(A) by striking “(d)(1) Subject” and inserting the following:

“(d) POWERS OF COMMISSIONER.—

“(1) IN GENERAL.—Subject”;

(B) by adjusting the margins of subparagraphs (A) and (B) of paragraph (1) appropriately;

(C) in paragraph (2), by striking “(2) The” and inserting the following:

“(2) CONTRACTS.—The”;

(D) in paragraph (3), by striking “(3) There” and inserting the following:

“(3) AUTHORIZATION OF APPROPRIATIONS.—There”;

(5) in subsection (e)—

(A) by striking “(e)(1)” and inserting the following:

“(e) ADMINISTRATION.—

“(1) ADMINISTRATIVE, FISCAL, AND HOUSEKEEPING SERVICES.—”;

(B) in paragraph (1)—

(i) in the first sentence, by striking “The” and inserting the following:

“(A) IN GENERAL.—The”;

(ii) in the second sentence, by striking “In any” and inserting the following:

“(B) ASSISTANCE FROM DEPARTMENTS AND AGENCIES.—In any”;

(C) in paragraph (2), by striking “(2) On” and inserting the following:

“(2) FAILURE TO PROVIDE ASSISTANCE.—On”;

(6) by striking subsection (f) and inserting the following:

“(f) TERMINATION.—

“(1) IN GENERAL.—The Office of Navajo and Hopi Indian Relocation shall terminate on September 30, 2008.

“(2) TRANSFER OF OFFICE DUTIES.—On the date of termination of the Office, any duty of the Office that has not been carried out, as determined in accordance with this Act, shall be transferred to the Secretary in accordance with title II of the Navajo-Hopi Land Settlement Amendments of 2005.”;

(7) by adding at the end the following:

“(g) EASE OF TRANSITION.—Beginning on the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005, the Secretary may—

“(1) consult with the Commissioner regarding the transfer of the responsibilities of the Office of Navajo and Hopi Indian Relocation to the Department of the Interior; and

“(2) take any action the Secretary determines to be necessary to assume the responsibilities of the Office on September 30, 2008.”.

#### SEC. 109. REPORT.

Section 13 of the Act of December 22, 1974 (25 U.S.C. 640d-12), is amended—

(1) by striking “SEC. 13. (a) By no” and inserting the following:

“SEC. 9. REPORT.

“(a) IN GENERAL.—Not”;

(2) in subsection (b)—

(A) by striking “(b) The” and inserting the following:

“(b) INCLUSIONS.—The”;

(B) by striking “contain, among other matters, the following;” and inserting “include—”.

#### SEC. 110. RELOCATION OF HOUSEHOLDS AND MEMBERS.

Section 14 of the Act of December 22, 1974 (25 U.S.C. 640d-13), is amended—

(1) by striking “SEC. 14. (a)” and inserting the following:

“SEC. 10. RELOCATION OF HOUSEHOLDS AND MEMBERS.

“(a) AUTHORIZATION.—”;

(2) in subsection (a)—

(A) in the first sentence—

(i) by striking “Consistent” and inserting the following:

“(1) IN GENERAL.—Consistent”;

(ii) by striking “section 8” each place it appears and inserting “section 4”;

(iii) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 3 or 4”;

(iv) by inserting “, or, after September 30, 2008, the Attorney General,” after “the Commissioner”;

(B) by striking the second sentence;

(C) in the third sentence, by striking “No further” and inserting the following:

“(2) SETTLEMENTS OF NAVAJO.—No further”;

(D) in the fourth sentence, by striking “No further” and inserting the following:

“(3) SETTLEMENTS OF HOPI.—No further”;

and

(E) in the fifth sentence, by striking “No individual” and inserting the following:

“(4) GRAZING.—No individual”;

(3) in subsection (b)—

(A) by striking “(b) In addition” and inserting the following:

“(b) ADDITIONAL PAYMENTS TO HEADS OF HOUSEHOLDS.—In addition”;

(B) by striking “section 15” and inserting “section 11”;

(C) by striking “section 13” and inserting “section 9”;

(4) in subsection (c), by striking “(c) No” and inserting the following:

“(c) PAYMENTS FOR PERSONS MOVING AFTER A CERTAIN DATE.—No”;

(5) by adding at the end the following:

“(d) PROHIBITION.—No payment for benefits under this Act may be made to any head of a household if, as of September 30, 2008, that head of household has not been certified as eligible to receive the payment.”.

#### SEC. 111. RELOCATION HOUSING.

Section 15 of the Act of December 22, 1974 (25 U.S.C. 640d-14), is amended—

(1) by striking “SEC. 15. (a)” and inserting the following:

“SEC. 11. RELOCATION HOUSING.

“(a) PURCHASE OF HABITATION AND IMPROVEMENTS.—”;

(2) in subsection (a)—

(A) in the first sentence, by striking “The Commission” and inserting the following:

“(1) IN GENERAL.—The Commission”;

(B) in the second sentence—

(i) by striking “The purchase” and inserting the following:

“(2) PURCHASE PRICE.—The purchase”;

(ii) by striking “as determined under clause (2) of subsection (b) of section 13”;

(3) in subsection (b)—

(A) by striking “(b) In addition” and inserting the following:

“(b) REIMBURSEMENT FOR MOVING EXPENSES AND PAYMENT FOR REPLACEMENT DWELLING.—In addition”;

(B) by striking “shall.” and inserting “shall—”;

(C) in paragraph (1), by inserting “and” after the semicolon at the end;

(4) in subsection (c)—

(A) by striking “(c) In implementing” and inserting the following:

“(c) STANDARDS; CERTAIN PAYMENTS.—

“(1) STANDARDS.—In carrying out”;

(B) in the second sentence—

(i) by striking “No payment” and inserting the following:

“(2) CERTAIN PAYMENTS.—No payment”;

and

(ii) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 8 or section 3 or 4”;

(5) in subsection (d)—

(A) by striking “(d) The” and inserting the following:

“(d) METHODS OF PAYMENT.—The”;

(B) by striking “(1) Should” and inserting the following:

“(1) HOME OWNERSHIP OPPORTUNITY PROJECTS.—Should”;

(C) by striking “(2) Should” and inserting the following:

“(2) PURCHASED AND CONSTRUCTED DWELLINGS.—Should”;

(D) by striking “(3) Should” and inserting the following:

“(3) FAILURE TO ARRANGE RELOCATION.—Should”;

(6) in subsection (e)—

(A) by striking “(e) The” and inserting the following:

“(e) DISPOSAL OF ACQUIRED DWELLINGS AND IMPROVEMENTS.—The”;

(B) by striking “section 8” and inserting “section 4”;

(C) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 3 or 4”;

(7) in subsection (f), by striking “(f) Notwithstanding” and inserting the following:

“(f) PREFERENTIAL TREATMENT.—Notwithstanding”;

(8) by striking subsection (g) and inserting the following:

“(g) BENEFITS.—

“(1) IN GENERAL.—Not later than September 30, 2008, the Commissioner shall notify the Secretary and each Tribe of the identity of any head of household member of the Tribe that, as of that date—

“(A) is certified as eligible to receive benefits under this Act;

“(B) does not reside on land that has been partitioned to the Tribe; and

“(C) has not received a replacement home.

“(2) TRANSFER OF FUNDS.—Not later than September 30, 2008, and except as provided in paragraph (4), the Commissioner shall—

“(A) transfer to the Secretary any funds not used by the Commissioner to make payments under this Act to eligible heads of households; and

“(B) provide a notice to each Tribe regarding the amount of the funds transferred under subparagraph (B).

“(3) DISPOSITION OF TRANSFERRED FUNDS.—

“(A) IN GENERAL.—The Secretary shall hold any funds transferred under paragraph (2) for the heads of households described in paragraph (1)(A) until the date on which a request for the funds, or a portion of the funds, is submitted to the Secretary by—

“(i) an eligible head of household; or

“(ii) the Tribe, acting with the consent of such a head of household.

“(B) PAYMENT AMOUNTS.—Of the funds held under subparagraph (A), the Secretary shall make payments to the Tribe or heads of households described in paragraph (1)(A) in amounts that would have been made to the heads of households under this Act before September 30, 2008—

“(i) on receipt of a request of a head of household, to be used for a replacement home; or

“(ii) on the date of death of the head of household, if the head of household does not make a request under clause (i), in accordance with subparagraph (C).

“(C) DISTRIBUTION OF FUNDS ON DEATH OF HEAD OF HOUSEHOLD.—If the Secretary holds funds under this paragraph for a head of household described in paragraph (1)(A) on the death of the head of household, the Secretary shall—

“(i) identify and notify any heir of the head of household, in accordance with applicable law; and

“(ii) distribute the funds held by the Secretary for the head of household to any heir—

“(I) immediately, if the heir is at least 18 years old; or

“(II) if the heir is younger than 18 years old on the date on which the Secretary identified the heir, on the date on which the heir attains the age of 18.

“(D) CLAIMS OF COMPETING HEIRS.—Any claim to a distribution under subparagraph (C) that is disputed by any competing heir of a head of household shall be determined during the probate process in accordance with applicable law.

“(4) DISPUTED ELIGIBILITY CLAIMS.—

“(A) TRANSFER OF FUNDS.—Not later than September 30, 2008, the Commissioner shall

transfer to the Secretary an appropriate percentage, as determined by the Commissioner, of the funds not used by the Commissioner to make payments under this Act to eligible heads of households.

“(B) DISPOSITION OF TRANSFERRED FUNDS.—

“(i) IN GENERAL.—The Secretary shall hold any funds transferred under subparagraph (A) for any individual the status of whom under this Act is the subject of a dispute with the Commissioner.

“(ii) DISTRIBUTIONS TO HEADS OF HOUSEHOLDS.—If an individual described in clause (i) is identified by the Commissioner as a head of household described in paragraph (1), the Secretary shall distribute funds transferred under subparagraph (A) to the individual in accordance with paragraph (3).

“(h) NOTIFICATION.—

“(1) IN GENERAL.—To the extent not already provided, not later than 180 days after the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005, the Commissioner shall notify each eligible head of household who has not entered into a lease with the Hopi Tribe to reside on land partitioned to the Hopi Tribe, in accordance with section 700.138 of title 25, Code of Federal Regulations (or a successor regulation).

“(2) LIST.—On the date on which a notice period referred to in section 700.139 of title 25, Code of Federal Regulations (or a successor regulation), expires, the Commissioner shall submit to the Secretary and the United States Attorney for the District of Arizona a list containing the name and address of each eligible head of household who—

“(A) continues to reside on land that has not been partitioned to the Tribe of the head of household; and

“(B) has not entered into a lease to reside on that land.

“(3) CONSTRUCTION OF REPLACEMENT HOMES.—Before July 1, 2008, but not later than 90 days after receiving a notice of the imminent removal of a relocatee from land provided to the Navajo Tribe or the Hopi Tribe under this Act, the Commissioner shall—

“(A) make an eligibility determination with respect to the relocatee in accordance with any appropriate policy or procedure; and

“(B) on a determination under subparagraph (A) that the relocatee is eligible for relocation—

“(i) begin construction of a replacement home on any land acquired under section 6; or

“(ii) establish a fund for the benefit of the relocatee, to be administered in accordance with this section.

“(i) APPEALS.—

“(1) IN GENERAL.—The Commissioner shall establish an expedited hearing procedure for any appeal relating to the denial of eligibility for benefits under this Act (including regulations promulgated pursuant to this Act) that is pending on, or filed after, the date of enactment of Navajo-Hopi Land Settlement Amendments of 2005.

“(2) FINAL DETERMINATIONS.—The hearing procedure established under paragraph (1) shall—

“(A) provide for a hearing before an impartial third party, as the Commissioner determines necessary; and

“(B) ensure that a final determination is made by the Office of Navajo and Hopi Indian Relocation for each appeal described in paragraph (1) by not later than January 1, 2008.

“(j) PROCUREMENT OF SERVICES.—

“(1) IN GENERAL.—Notwithstanding any other provision of this Act, to ensure the full and fair evaluation of an appeal hearing before an impartial third party referred to in subsection (i)(2)(A), the Commissioner may

enter into such contracts or agreements to procure such services, and employ such personnel (including attorneys), as the Commissioner determines to be necessary.

“(2) DETAIL OF ADMINISTRATIVE LAW JUDGES OR HEARING OFFICERS.—The Commissioner may request the Secretary to act through the Director of the Office of Hearings and Appeals to make available to the Office of Navajo and Hopi Indian Relocation an administrative law judge or other hearing officer with appropriate qualifications, as determined by the Commissioner.

“(k) APPEAL TO UNITED STATES CIRCUIT COURT OF APPEALS.—

“(1) IN GENERAL.—Subject to paragraph (3), any individual who, under the procedures established by the Commissioner pursuant to this section, is determined not to be eligible to receive benefits under this Act may appeal that determination to the United States Circuit Court of Appeals for the Ninth Circuit (referred to in this subsection as the ‘Circuit Court’).

“(2) REVIEW.—

“(A) IN GENERAL.—The Circuit Court shall, with respect to each appeal described in paragraph (1)—

“(i) review the entire record (as certified to the Circuit Court under paragraph (3)) on which a determination of the ineligibility of the appellant to receive benefits under this Act was based; and

“(ii) on the basis of that review, affirm or reverse that determination.

“(B) STANDARD OF REVIEW.—The Circuit Court shall affirm any determination that the Circuit Court determines to be supported by substantial evidence.

“(3) NOTICE OF APPEAL.—

“(A) IN GENERAL.—To the extent not already provided by this Act or other applicable Federal law, not later than 30 days after a determination of ineligibility under paragraph (1), an affected individual shall file a notice of appeal with—

“(i) the Circuit Court; and

“(ii) the Commissioner.

“(B) CERTIFICATION OF RECORD.—On receipt of a notice under subparagraph (A)(ii), the Commissioner shall submit to the Circuit Court the certified record on which the determination that is the subject of the appeal was made.

“(C) REVIEW PERIOD.—Not later than 60 days after receiving a certified record under subparagraph (B), the Circuit Court shall conduct a review and file a decision regarding an appeal in accordance with paragraph (2).

“(D) BINDING DECISION.—A decision made by the Circuit Court under this subsection shall be final and binding on all parties.”

#### SEC. 112. PAYMENT FOR USE OF LAND.

Section 16 of the Act of December 22, 1974 (25 U.S.C. 640d-15), is amended—

(1) by striking “SEC. 16. (a) The Navajo” and inserting the following:

#### “SEC. 12. PAYMENT FOR USE OF LAND.

“(a) IN GENERAL.—The Navajo”;

(2) in subsection (a), by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” before “sections 8 and 3 or 4”;

(3) in subsection (b)—

(A) by striking “(b) The” and inserting the following:

“(b) PAYMENT.—The”;

(B) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “sections 8 and 3 or 4”.

#### SEC. 113. EFFECT OF ACT.

Section 17 of the Act of December 22, 1974 (25 U.S.C. 640d-16), is amended—

(1) by striking “SEC. 17. (a)” and inserting the following:

**SEC. 13. EFFECT OF ACT.**

“(a) TITLE, POSSESSION, AND ENJOYMENT.—”;

(2) in subsection (a)—

(A) in the first sentence, by striking “Nothing” and inserting the following:

“(1) IN GENERAL.—Nothing”; and

(B) in the second sentence, by striking “Such” and inserting the following:

“(2) RESIDENCE ON OTHER RESERVATIONS.—Any”; and

(3) in subsection (b), by striking “(b) Nothing” and inserting the following:

“(b) FEDERAL EMPLOYEES.—Nothing”.

**SEC. 114. ACTIONS FOR ACCOUNTING, FAIR VALUE OF GRAZING, AND CLAIMS FOR DAMAGES TO LAND.**

Section 18 of the Act of December 22, 1974 (25 U.S.C. 640d-17), is amended—

(1) by striking “SEC. 18. (a) Either” and inserting the following:

**SEC. 14. ACTIONS FOR ACCOUNTING, FAIR VALUE OF GRAZING, AND CLAIMS FOR DAMAGES TO LAND.**

“(a) ACTIONS BY TRIBES.—Either”;

(2) in subsection (a), by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 3 or 4”;

(3) in subsection (b)—

(A) by striking “(b) Neither” and inserting the following:

“(b) DEFENSES.—Neither”; and

(B) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 3 or 4”;

(4) in subsection (c)—

(A) by striking “(c) Either” and inserting the following:

“(c) FURTHER ORIGINAL, ANCILLARY, OR SUPPLEMENTARY ACTS TO ENSURE QUIET ENJOYMENT.—

“(1) IN GENERAL.—Either”; and

(B) in the second sentence, by striking “Such actions” and inserting the following:

“(2) ACTION THROUGH CHAIRMAN.—An action under paragraph (1)”;

(5) in subsection (d)—

(A) by striking “(d) Except” and inserting the following:

“(d) UNITED STATES AS PARTY; JUDGMENTS AGAINST THE UNITED STATES.—

“(1) IN GENERAL.—Except”; and

(B) in the second sentence, by striking “Any judgment or judgments” and inserting the following:

“(2) EFFECT OF JUDGMENTS.—Any judgment”; and

(6) in subsection (e), by striking “(e) All” and inserting the following:

“(e) REMEDIES.—All”.

**SEC. 115. JOINT USE.**

Section 19 of the Act of December 22, 1974 (25 U.S.C. 640d-18), is amended—

(1) by striking “SEC. 19. (a) Notwithstanding” and inserting the following:

**SEC. 15. JOINT USE.**

“(a) REDUCTION OF LIVESTOCK.—

“(1) IN GENERAL.—Notwithstanding”;

(2) in subsection (a)(1) (as designated by paragraph (1))—

(A) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 3 or 4”;

(B) in the second sentence, by striking “The Secretary is directed to” and inserting the following:

“(2) CONSERVATION PRACTICES AND METHODS.—The Secretary shall”;

(3) in subsection (b)—

(A) by striking “(b) The” and inserting the following:

“(b) SURVEY LOCATION OF MONUMENTS AND FENCING OF BOUNDARIES.—The”; and

(B) by inserting “(as in effect on the day before the date of enactment of the Navajo-

Hopi Land Settlement Amendments of 2005)” after “sections 8 and 3 or 4” each place it appears; and

(4) in subsection (c)—

(A) by striking “(c)(1) Surveying” and inserting the following:

“(c) SURVEYING, MONUMENTING, AND FENCING; LIVESTOCK REDUCTION PROGRAM.—

“(1) SURVEYING, MONUMENTING, AND FENCING.—Surveying”;

(B) in paragraph (1)—

(i) by striking “of this Act” and inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)”;

(ii) by striking “section 8” and inserting “section 4”;

(C) in paragraph (2), by striking “(2) The” and inserting the following:

“(2) LIVESTOCK REDUCTION PROGRAM.—The”.

**SEC. 116. RELIGIOUS CEREMONIES; PIPING OF WATER.**

Section 20 of the Act of December 22, 1974 (25 U.S.C. 640d-19), is amended by striking

“SEC. 20. The members” and inserting the following:

**SEC. 16. RELIGIOUS CEREMONIAL USES; PIPING OF WATER.**

“The members”.

**SEC. 117. ACCESS TO RELIGIOUS SHRINES.**

Section 21 of the Act of December 22, 1974 (25 U.S.C. 640d-20), is amended by striking

“SEC. 21. Notwithstanding” and inserting the following:

**SEC. 17. ACCESS TO RELIGIOUS SHRINES.**

“Notwithstanding”.

**SEC. 118. EXCLUSION OF PAYMENTS FROM CERTAIN FEDERAL DETERMINATIONS OF INCOME.**

Section 22 of the Act of December 22, 1974 (25 U.S.C. 640d-21), is amended—

(1) by striking “SEC. 22. The availability” and inserting the following:

**SEC. 18. EXCLUSION OF PAYMENTS FROM CERTAIN FEDERAL DETERMINATIONS OF INCOME.**

“(a) IN GENERAL.—The availability”; and

(2) by striking “None of the funds” and inserting the following:

“(b) FEDERAL AND STATE INCOME TAXES.—None of the funds”.

**SEC. 119. AUTHORIZATION OF EXCHANGE.**

Section 23 of the Act of December 22, 1974 (25 U.S.C. 649d-22), is amended—

(1) by striking “SEC. 23. The Navajo” and inserting the following:

**SEC. 19. AUTHORIZATION OF EXCHANGE.**

“(a) IN GENERAL.—The Navajo”; and

(2) in the second sentence—

(A) by striking “In the event that the Tribes should” and inserting the following:

“(b) NEGOTIATED EXCHANGES.—If the Tribes”; and

(B) by striking “sections 14 and 15” and inserting “sections 10 and 11”.

**SEC. 120. SEVERABILITY.**

Section 24 of the Act of December 22, 1974 (25 U.S.C. 640d-23), is amended by striking

“SEC. 24. If” and inserting the following:

**SEC. 20. SEVERABILITY.**

“If”.

**SEC. 121. AUTHORIZATION OF APPROPRIATIONS.**

Section 25 of the Act of December 22, 1974 (25 U.S.C. 640d-24), is—

(1) moved so as to appear at the end of the Act; and

(2) amended to read as follows:

**SEC. 26. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out section 11 such sums as are necessary for each of fiscal years 2006 through 2008.”.

**SEC. 122. DISCRETIONARY FUND.**

Section 27 of the Act of December 22, 1974 (25 U.S.C. 640d-25), is amended by striking

“SEC. 27.” and all that follows through “(c) The Secretary” and inserting the following:

**SEC. 21. DISCRETIONARY FUND.**

“(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to a discretionary fund of the Commissioner to carry out this Act—

“(1) \$6,000,000 for the period of fiscal years 2006 through 2008; and

“(2) such sums as are necessary for each subsequent fiscal year.

“(b) HOPI HIGH SCHOOL AND MEDICAL CENTER.—The Secretary”.

**SEC. 123. ATTORNEY FEES AND COURT COSTS.**

Section 29 of the Act of December 22, 1974 (25 U.S.C. 640d-27), is amended—

(1) by striking “SEC. 29. (a)” and inserting the following:

**SEC. 22. ATTORNEY FEES AND COURT COSTS.**

“(a) IN GENERAL.—”;

(2) in subsection (a)—

(A) by striking “In any” and inserting the following:

“(1) IN GENERAL.—In any”; and

(B) by striking “For each” and inserting the following:

“(2) AUTHORIZATION OF APPROPRIATIONS.—For each”;

(3) in subsection (b)—

(A) by striking “(b) Upon” and inserting the following:

“(b) AWARD BY COURT.—

“(1) IN GENERAL.—On”; and

(B) in the second sentence, by striking “Any party” and inserting the following:

“(2) REIMBURSEMENT OF UNITED STATES.—Any party”;

(4) in subsection (c), by striking “(c) To” and inserting the following:

“(c) EXCESS DIFFERENCE.—To”; and

(5) in subsection (d)—

(A) by striking “(d) This” and inserting the following:

“(d) APPLICATION OF SECTION.—This”; and

(B) by striking “section 8 or 18(a) of this Act” and inserting “section 4 or section 14(a)”.

**SEC. 124. LOBBYING.**

Section 31 of the Act of December 22, 1974 (25 U.S.C. 640d-29), is amended—

(1) by striking “SEC. 31. (a) Except” and inserting the following:

**SEC. 23. LOBBYING.**

“(a) IN GENERAL.—Except”; and

(2) in subsection (b), by striking “(b) Subsection” and inserting the following:

“(b) APPLICABILITY.—Subsection”.

**SEC. 125. NAVAJO REHABILITATION TRUST FUND.**

The first section designated as section 32 of the Act of December 22, 1974 (25 U.S.C. 640d-30), is amended—

(1) by striking “SEC. 32. (a) There” and inserting the following:

**SEC. 24. NAVAJO REHABILITATION TRUST FUND.**

“(a) ESTABLISHMENT.—There”;

(2) in subsection (b), by striking “(b) All” and inserting the following:

“(b) DEPOSIT OF INCOME INTO FUND.—All”;

(3) in subsection (c), by striking “(c) The” and inserting the following:

“(c) INVESTMENT OF FUNDS.—The”;

(4) in subsection (d)—

(A) by striking “(d) Funds” and inserting the following:

“(d) AVAILABILITY OF FUNDS.—Funds”;

(B) in paragraph (1), by striking “proceedings,” and inserting “proceedings;”;

(C) in paragraph (2), by striking “Act, or” and inserting “Act; or”;

(5) in subsection (e)—

(A) by striking “(e) By December 1” and inserting the following:

“(e) EXPENDITURE OF FUNDS.—

“(1) IN GENERAL.—Not later than December 1”;

(B) in the second sentence, by striking

“Such framework is to be” and inserting the following:

“(2) REQUIREMENT.—The framework under paragraph (1) shall be”;

(6) in subsection (f)—

(A) by striking “(f) The” and inserting the following:

“(f) TERMINATION.—

“(1) IN GENERAL.—The”; and

(B) in the second sentence, by striking “All funds” and inserting the following:

“(2) TRANSFER OF REMAINING FUNDS.—All funds”; and

(7) by striking subsection (g).

**SEC. 126. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.**

The second section designated as section 32 of the Act of December 22, 1974 (25 U.S.C. 640–31), is amended by striking “SEC. 32. Nothing” and inserting the following:

“SEC. 25. AVAILABILITY OF FUNDS FOR RELOCATION ASSISTANCE.”.

“Nothing”.

**TITLE II—TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS**

**SEC. 201. DEFINITIONS.**

In this title:

(1) FEDERAL AGENCY.—The term “Federal agency” has the meaning given the term “agency” in section 551(1) of title 5, United States Code.

(2) FUNCTION.—The term “function” means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program carried out under Federal law in accordance with the purposes of the Office.

(3) OFFICE.—The term “Office” means the Office of Navajo and Hopi Relocation (including any component of that office).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

**SEC. 202. TRANSFER OF FUNCTIONS.**

(a) IN GENERAL.—Effective beginning on September 30, 2008, there is transferred to the Secretary any function of the Office that has not been carried out by the Office in accordance with the Act of December 22, 1974 (25 U.S.C. 640 et seq.) (as amended by title I).

(b) MEMORANDUM OF AGREEMENT.—Not later than September 29, 2008, the Secretary, in consultation with the Director of the Office of Management and Budget, may enter into a memorandum of agreement with the Office, as the Secretary determines to be appropriate to facilitate the transfer under subsection (a).

**SEC. 203. PERSONNEL PROVISIONS.**

(a) APPOINTMENTS.—The Secretary may appoint and fix the compensation of such officers and employees as the Secretary determines to be necessary to carry out any function transferred under this title.

(b) REQUIREMENTS.—Except as otherwise provided by law—

(1) any officer or employee described in subsection (a) shall be appointed in accordance with the civil service laws; and

(2) the compensation of such an officer or employee shall be fixed in accordance with title 5, United States Code.

**SEC. 204. DELEGATION AND ASSIGNMENT.**

(a) IN GENERAL.—Except where otherwise expressly prohibited by law or otherwise provided by this title, the Secretary may delegate any of the functions transferred to the Secretary by this title and any function transferred or granted to the Secretary after the effective date of this title to such officers and employees of the Department of the Interior as the Secretary may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate.

(b) DELEGATION.—No delegation of functions by the Secretary under this section or under any other provision of this title shall relieve the Secretary of responsibility for the administration of the functions.

**SEC. 205. REORGANIZATION.**

The Secretary is authorized to allocate or reallocate any function transferred under section 202 among the officers of the Department of the Interior, and to establish, consolidate, alter, or discontinue such organizational entities in the Department of the Interior as the Secretary determines to be necessary or appropriate.

**SEC. 206. RULES.**

The Secretary is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary determines to be necessary or appropriate to administer and manage the functions of the Department of the Interior.

**SEC. 207. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.**

(a) IN GENERAL.—Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of the Interior in accordance with section 3503 of title 5, United States Code.

(b) UNEXPENDED FUNDS.—Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

**SEC. 208. INCIDENTAL TRANSFERS.**

The Secretary is authorized to make such determinations as may be necessary to accept the functions transferred by this title, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title.

**SEC. 209. EFFECT ON PERSONNEL.**

(a) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of the employee under this title.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this title, any person who, on the day preceding the effective date of this title, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department of the Interior to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(c) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this title, shall terminate on the effective date of this title.

**SEC. 210. SEPARABILITY.**

If a provision of this title or the application of this title to any person or circumstance is held invalid, neither the remainder of this title nor the application of

the provision to other persons or circumstances shall be affected.

**SEC. 211. TRANSITION.**

The Secretary is authorized to use—

(1) the services of such officers, employees, and other personnel of the Office with respect to functions transferred to the Department of the Interior by this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

**SEC. 212. REPORTS.**

(a) FISCAL YEARS 2007 AND 2008.—For each of fiscal years 2007 and 2008, the Commissioner of the Office, in consultation with the Navajo and Hopi Indian tribes, shall submit to Congress a report describing—

(1) the status of the Office;

(2) any progress made during the preceding year in transferring functions, appropriations, and personnel under this title;

(3) any progress made toward, or obstacle relating to, completing the relocation process under the Act of December 22, 1974 (25 U.S.C. 640d et seq.) (as amended by title I);

(4) the status of the grazing management program on the area commonly known as the “New Lands” of the Navajo Tribe; and

(5) the needs of the Navajo and Hopi Indian tribes to address the affect of relocation activity, if any, including a financial estimate relating to the needs.

(b) SUBSEQUENT FISCAL YEARS.—Not later than 1 year after the effective date of this title, and annually thereafter, the Secretary, in consultation with the Navajo and Hopi Indian tribes, shall submit to Congress a report described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2007 through 2009.

**SEC. 213. REFERENCES.**

Any reference in a Federal law, Executive order, rule, regulation, delegation of authority, or document relating to—

(1) the Commissioner of the Office, with respect to functions transferred under this title, shall be deemed to be a reference to the Secretary; and

(2) the Office, with respect to functions transferred under this title, shall be deemed to be a reference to the Department of the Interior.

**SEC. 214. ADDITIONAL CONFORMING AMENDMENT.**

Section 5315 of title 5, United States Code, is amended by striking the item relating to the Commissioner of the Office.

**SEC. 215. EFFECT OF TITLE.**

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—Any legal document relating to a function transferred by this title that is in effect on the effective date of this title shall continue in effect in accordance with the terms of the document until the document is modified or terminated by—

(1) the President;

(2) the Secretary;

(3) a court of competent jurisdiction; or

(4) operation of Federal or State law.

(b) PROCEEDINGS NOT AFFECTED.—This title shall not affect any proceeding (including a notice of proposed rulemaking, an administrative proceeding, and an application for a license, permit, certificate, or financial assistance) relating to a function transferred under this title that is pending before the Office of Navajo and Hopi Relocation on the effective date of this title.

**SEC. 216. EFFECTIVE DATE.**

This title takes effect beginning September 30, 2008.

**TITLE III—PERSONNEL OF THE OFFICE  
OF NAVAJO AND HOPI RELOCATION**

**SEC. 301. SEPARATION PAY.**

The Office of Navajo and Hopi Relocation (referred to in this title as the "Office") may request funding for, and offer to any employee of the Office, voluntary separation incentive payments in accordance with subchapter II of chapter 35 of title 5, United States Code.

**SEC. 302. FEDERAL RETIREMENT.**

The Office may request funding for, and offer to any employee of the Office, voluntary early retirement in accordance with sections 8336(d)(2) and 8414(b)(1) of title 5, United States Code.

**ORDERS FOR WEDNESDAY, May 3,  
2006**

Mr. ENSIGN. 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, May 3. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, that there then be a period of morning business for up to 30 minutes with the majority in control of the first 15 minutes to be followed by 15 minutes under the control of the minority; provided further that the Senate then resume consideration of H.R. 4939.

I further ask unanimous consent that there be 1 hour of debate with Senator COBURN controlling 30 minutes, Senator FEINSTEIN 15 minutes, and Senator BOXER 15 minutes, and that the vote occur in relation to Division XIX of the pending amendment with no amendment in order to the division prior to the vote.

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

Mr. ENSIGN. Mr. President, I now ask unanimous consent that notwithstanding adjournment of the Senate, all time count against the limitation under rule XXII.

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

**PROGRAM**

Mr. ENSIGN. Mr. President, today cloture was invoked on the emergency supplemental appropriations bill. We have disposed of many amendments, but we still have some pending amendments remaining that will need to be disposed of. Tomorrow will be a busy day, and votes can be expected throughout the day as we attempt to finish action on this emergency supplemental appropriations bill.

**ORDER FOR ADJOURNMENT**

Mr. DURBIN. Mr. President, I ask unanimous consent I be allowed to speak as in morning business, and at the close of my speech, if there be no further business before the Senate, we then stand in adjournment.

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

**DARFUR**

Mr. DURBIN. Mr. President, I rise today in support of the amendment offered by the Senator from New Jersey, Senator MENENDEZ. Senator MENENDEZ is carrying on a great tradition. His predecessor, Senator Jon Corzine, now Governor of New Jersey, showed a special interest in the genocide which is occurring in Darfur in Africa. I cannot say how many times Senator Corzine came to the Senate to raise this issue. I am glad Senator MENENDEZ has the same intensity and the same commitment Governor Corzine showed in the Senate. He has evidenced it by this amendment which adds an additional \$60 million for peacekeeping forces.

I have spoken in the Senate many times about the Darfur crisis. I say that with some embarrassment. It is unfortunate that I still have to return to the Senate time after time, month after month, year after year. While we debate, people die. What is happening in Darfur is a shameful situation for any country in the world, shameful for those who live in peace and in powerful countries for not doing more.

First, let me salute this administration. Though I disagree with the Bush administration on so many things, I have been respectful of the fact from the beginning, under Secretary of State Colin Powell and now Secretary of State Condoleezza Rice, they have not pulled any punches. They have said from the outset what is occurring in Darfur is nothing short of genocide. That is a stark departure from what occurred under the Clinton administration, an administration which I admired and worked with, but during the Rwanda genocide they were reluctant to use the word. So many times our Secretary of State and others within the administration were pinned down: Was Rwanda a genocide? And even while people were losing their lives in that African nation, they refused to use the word.

The reason is because it carries with it so much moral import, so much responsibility. Once deciding a genocide is occurring in some part of the world, what, then, must we do? Under the Genocide Convention, we are to step forward. The civilized family of nations is to step forward to stop the genocide in place and to protect the innocent people.

For several years, though we have declared it genocide, we have not done nearly as much as we should. We have relied on a small and somewhat impotent group of African Union soldiers who may be trying to do their best but who are completely outmanned by the jingawit and other violent actors in that nation who take advantage every day of the poor people of Darfur.

Last week, I went back to my alma mater, Georgetown University, here in Washington, DC, and I spoke to a group of students. It was a great night. I have not been back at campus in that capacity. It was great to speak to them. As the students came up to ask questions,

a group of students came forward and said, We are a student group on this campus genuinely interested in the genocide in Darfur. We are planning a rally in Washington—this last Sunday—and we want to know what you are going to do about it, Senator.

It was a legitimate question, one which I answered by saying I had done some things, but I need to do more. I offered an amendment to the bill now pending to add \$50 million to help move in a U.N. peacekeeping force that will augment the African Union force and give some power to this effort to protect these poor innocent people.

This weekend, on the National Mall in Washington, at the Federal Plaza in Chicago, and in 16 other cities across our country, tens of thousands of people gathered to protest the ongoing genocide in Darfur. As the Washington Post noted, the gathering of people on The Mall was one of the most diverse in history. The crowd was composed of people from all walks of life: Jews, Christians, Muslims, liberal, conservatives, teenagers, and members of the "greatest generation." They gathered under many different signs but many contained the same message: Save Darfur. That is simple. That is powerful. That is our moral responsibility, to save Darfur.

Once again, we have fallen short. We promised that once we declared genocide, we would act. We said after the genocides of recent memory, it would never again happen in our time. Sadly, it has. And things are getting worse instead of better. Violence is continuing. The Sudanese Government is blocking the preparations for the U.N. mission and peace talks have stalled.

Last week, there was an announcement in the paper which troubled me. The World Food Program, one of the most important programs in the world to feed needy people, announced it was forced to cut food rations in Darfur in half. More than 6 million people across Sudan require food aid, more than any other country on Earth. The World Food Program estimates it needs approximately \$750 million to feed them and it does not have the money. The United States has provided \$188 million; the European Union, almost nothing. Libya is the only member of the Arab league to step up.

This has to change. We can and should do more and so should the rest of the world. It is bad enough to stand by without taking appropriate action to stop the violence of genocide. But how can we have on our conscience that these poor people, these children, these families, dispossessed and living in fear, will now slowly starve to death on our watch?

Several amendments have been filed to this emergency supplemental bill that addressed Darfur. I am proud to cosponsor them. On this amendment by Senator MENENDEZ of New Jersey, I ask unanimous consent to join as a cosponsor.

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

Mr. DURBIN. His amendment increases funding for international peacekeeping efforts by \$60 million.

Another amendment that has been filed authorizes the Department of Defense to assist NATO in peacekeeping efforts in Darfur. The third sets aside funds for a special envoy to be named to play the role that former Senator John Danforth of Missouri played so effectively. Let me say parenthetically, he is a great man. I am honored to call him a friend. He accepted this assignment when he could have returned to the peace and solitude of his retired life in St. Louis, but leaving the United Nations he went on to Darfur. That speaks volumes about this man's commitment to the suffering of the world that he did it.

Now we have an amendment before the Senate asking that another envoy be sent by the United States, a person of the caliber of John Danforth, who can do his best to try to bring some peace to that region.

The situation in Darfur represents a massive humanitarian catastrophe, one that is ongoing, one that is happening on our watch. As we stand to make these speeches in the comfort and security of the Senate, people are literally dying, being raped, and starving to death in Darfur.

Over the past 3 months alone, resurging violence in Darfur has forced 200,000 people from their homes. One-third of them are cut off from any humanitarian aid. In addition, Human Rights Watch has reported the Sudanese Government launched a new offensive in southern Darfur last week. The government troops reportedly used helicopter gun ships against a defenseless village in south Darfur where thousands of displaced Darfurians sought refuge. Can you imagine the horror of that scene as helicopter gun ships sprayed these poor helpless people?

The African Union mission in Darfur has 7,000 peacekeepers; 7,000 men in uniform to guard an area the size of Texas. But a Texas without roads, a Texas without bridges, a Texas without communication. They cannot end this genocide by themselves.

Unfortunately, while violence in Darfur escalates, the news on the prospects of peace, talks between the Government of Sudan and the rebel groups, is very discouraging. The talks have

dragged on for 2 bloody years. They were set to conclude on Sunday, but in the absence of an agreement, they have been extended another 48 hours. The prospects for an accord seem dim. Khartoum so far has also refused to allow a U.N. assessment team into Darfur to prepare for a mission there.

The Sudanese Government launched a war on its own people for 3 straight years. They cannot be allowed to dictate terms to the United Nations. Hundreds of thousands of lives hang in the balance in Darfur. We should appoint that special envoy, someone of the stature, the dedication, and wisdom of John Danforth, to try to advance the peace process. The United States must engage the other members of the United Nations Security Council to put real pressure on the Government of Sudan.

One of the troubling aspects is that many believe that the major countries of the world are pulling their punches and not holding Sudan accountable because Sudan has oil deposits. Once again, our foreign policy is being affected, if not dictated, by energy reserves in Africa, as it is in so many other parts of the world.

What a grim reminder of how important it is for the United States to move to energy independence so we can stand up for the values we need without sacrificing all-important energy for our own economy and that other countries can step forward and make the right decision in terms of the morality and values of the world rather than gauging the impact it will have on their oil imports.

We have to work with our European allies to persuade China and Russia to set aside their objections to U.N. action.

We should pass the amendments before us this week on the supplemental appropriations bill, and the Darfur Peace and Accountability Act should be signed into law. We should continue to support the African Union mission in Darfur, while leading efforts to ensure that NATO and the United Nations take up the peacekeeping mission in Darfur.

Three years of genocide—3 years after our declaration that a genocide was occurring right here on our watch—3 years is too long.

I echo the thousands of people who gathered across America on Sunday—

the students from Georgetown University, the students from other universities across this country, and many other caring people who came forward. I urge the Senate to join them to save Darfur.

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MEASURE READ THE FIRST  
TIME—S. 2700

Mr. DURBIN. Mr. President, before I yield the floor, on behalf of the Republican leadership, I understand that there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2700) to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes.

Mr. DURBIN. Mr. President, I now ask for its second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

Mr. DURBIN. Thank you, Mr. President.

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ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:33 p.m., adjourned until Wednesday, May 3, 2006, at 9:30 a.m.

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NOMINATIONS

Executive nominations received by the Senate May 2, 2006:

FEDERAL DEPOSIT INSURANCE CORPORATION

SHEILA C. BAIR, OF KANSAS, TO BE CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF FIVE YEARS, VICE DONALD E. POWELL, RESIGNED.

SHEILA C. BAIR, OF KANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM EXPIRING JULY 15, 2013. (REAPPOINTMENT)

SHEILA C. BAIR, OF KANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR THE REMAINDER OF THE TERM EXPIRING JULY 15, 2007, VICE DONALD E. POWELL, RESIGNED.