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Senate

The Senate met at 9:30 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.

God of our eternal hope, those who serve You live in Your presence. Give our lawmakers the wisdom to follow Your teachings. Let Your precepts lead them to make laws that will help the marginalized and strengthen our Nation's moral foundation. May Your wisdom provide them with strategies to defeat the enemies of this land. Remind them that You have a plan which will bring them to a desired end.

Instill in them courage to love their enemies, grace to bless those who curse them, and power to pray for those who mistreat them. By their faithfulness, may they demonstrate daily that they are, indeed, Your children.

We pray in Your holy 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 now be a period for the transaction of morning business until 10 a.m., with the time equally divided between the two leaders or their designees.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning at 10, we will have a vote on the adoption of the conference report to accompany the Department of Defense appropriations bill. That will be the first vote of the day. We will then resume postcloture debate on the border fence bill. Given yesterday's cloture vote of 71 to 28, I am hopeful to complete this bill early in the day.

Following the border fence bill, under the order, there will be a cloture vote on the Child Custody message. The Homeland Security appropriations conference report has been filed, and we will need to consider this important funding legislation as soon as it becomes available. In addition to the items I have outlined, we have executive items to address, including treaties and nominations, one of which is the Secretary of the Department of Transportation. As of now, a Saturday session certainly is a possibility, and I will update my colleagues on the schedule later today as we continue to move forward.

As I said, Senators can anticipate a full day during today's session.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, while the distinguished majority leader is on the floor, let me make a couple of comments.

First, if I can ask the Parliamentarian: What time will the vote take place on final passage on the border security bill?

Mr. FRIST. It should be 3 a.m.

Mr. REID. That is a fairly good estimate, Mr. President—about 3 o'clock on Saturday morning?

Mr. FRIST. Mr. President, while you are checking that out, it is my understanding, based on discussions last night, that we started at 9 o'clock last night. That is when the time officially started, and it would be 30 hours from 9 o'clock last night, which will be about 3 a.m.

Mr. REID. Mr. President, on the bill that is now before this body, I hope that if there are going to be amendments, one of the amendments we need to take into consideration—I am sure the leader has heard from his Members, as I have heard from mine—is disaster relief. I hope we have this vehicle moving through here today and that we do something regarding agricultural disaster assistance legislation. We passed it three times in this body, and it has never made it out of the House.

It is not just the Midwestern States that we know produce a lot of food. We have had natural disasters all over. The State of Nevada has had raging fires. In California, there is one fire that has been burning since the 1st of September and they still haven't put it out. So I hope the leader will consider that legislation.

Also, I wasn't able to respond to my friend, the distinguished majority leader, last night, but on the India nuclear bill legislation, the reason this matter hasn't been to the floor much earlier is there was a provision put in this legislation by Senator LUGAR. I agree with it. I support the legislation. But on the majority side, there are people who have held up the legislation because of that provision.

This is important legislation. I have said on a number of occasions that I strongly support this legislation. It is important we find time to consider this bill before this Congress comes to an

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

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end. I think this legislation will be strongly supported by a bipartisan majority in the Senate. It was reported out of the Senate Foreign Relations Committee in June on a strong bipartisan basis.

We must understand, it has been many months since the committee action took place. I hope we can take a limited number of amendments with very short time agreements and have it set up so that when we get back here, when the elections are over, this would be the first order of business we move to. We could set it up that we can finish the bill—it will be a very long day—but do it in 1 day.

I believe we should do this, this important legislation. Passage means a lot to our vitally important United States—India relationship. I pledge to do what I can to ensure that we do just that. I hope before we leave here today, tomorrow, or Sunday—whenever it might be—that we will have this bill on so-called automatic pilot, that we can take this up when we get back. I hope that will be the case.

UNANIMOUS CONSENT REQUEST—S. 3994

Finally, on the Iran matter, I hope we can do something on that bill. As the Republican leader said last night, I couldn't think of a worse time for this Iranian matter to lapse. So I now ask unanimous consent that the Senate proceed to the consideration of S. 3994, a bill to extend the Iran and Libya Sanctions Act of 1996 until November 17, 2006; that the bill be read a third time, passed, and the motion to reconsider be laid upon the table.

If we did this, it would put everything in order until that date. It would extend this matter until then. The House has put a lot of other stuff in this bill very recently. There have been no hearings on it. I think it would be in the best interest of the country if we did this. I hope we can. If the leader cannot agree to this request now, I hope we can do it at a subsequent time before we leave in the next few days.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, did the Senator make a unanimous consent request?

Mr. REID. Yes.

Mr. FRIST. Reserving the right to object, and I will object, I saw for the first time 10 seconds ago what the minority leader has proposed.

I had a unanimous consent request that we proceed to the bill the House passed last night when we started the discussion, and this is a continuation and a response to the fact that we do have to act today.

What I prefer to do is work through the bill the House already passed, H.R. 6198, which has been received from the House. But what we can do is for us to get together and see how best to address this matter, either with the approach the Democratic leader put forward or the approach that I think is much better and much more complete, the House bill.

So I object to his unanimous consent request. Rather than go through the formal unanimous consent request on the House bill, which I have before me, why don't we try to address it.

Mr. REID. I withdraw my request.

The PRESIDENT pro tempore. The request is withdrawn.

Mr. FRIST. On the India Nuclear Act, it is something we are working on. I believe we do need, before we leave, to put together a package, as the Democratic leader and I have been working toward, something along the order of a day, as he mentioned. Both of these issues are very important. I brought them up last night and we do need to act on those today.

Mr. President, in closing, I wish to say this is a good example. There is going to be a lot happening over these next 24 hours. If we can work through these matters and we can receive the final legislation to be considered on the floor, legislation such as homeland security and port security, I think we will be able to act in a fairly expeditious manner. The clock will run on the border fence bill until 3 a.m. That is when the vote would occur. If, through working together, we are able to manage things in a more orderly way, we will be able to do that.

Following that vote, we have one more vote on child custody protection. Again, these are issues that are very important, but we will do our best working together to get things as coordinated as we possibly can, given some legislation isn't quite ready yet for the floor.

With that, I hope everybody will be very patient over the next 24, 36 hours, and then we will have everybody out and have our Nation's business done.

The PRESIDENT pro tempore. The Senator from Idaho is recognized.

VETERANS

Mr. CRAIG. Mr. President, I come to the floor this morning to seek recognition to speak about something that is very important to Congress and the American people, and that is the issue of the state of veterans affairs in this country.

The Senate on Wednesday heard from the Senator from Washington an episode so designed and delivered by her that would suggest that this Congress has ignored and done little to help America's veterans, both current and in the sense of Afghanistan and Iraq, those future veterans. I simply do not agree and take issue with her characterization of the record of the Bush administration and this Republican-led Congress when it comes to caring for America's veterans. In my capacity as chairman of the Veterans' Affairs Committee, I take issue with her suggestion that Congress has done nothing in its job to demand accountability out of the Department of Veterans Affairs.

I must suggest it is not surprising that a month removed from a midterm election our Democratic colleagues are leveling accusations against a Republican-led Congress that it has failed to hold the Bush administration accountable for a host of issues. Let's remember, it is a political season and the statements made on the floor Wednesday about veterans and veterans affairs is very politically charged.

I have no trouble with tough oversight and accountability and finding answers to serious problems, but to consistently suggest that the sky is falling while leaving out any whiff of praise or any good that has been accomplished is very political at best and it is a disservice to our veterans and the thousands of dedicated VA employees who care for them.

The speech of the Senator from Washington regarding VA provides a very clear example of what I mean. During her speech, the Senator from Washington highlighted a recently released GAO report that confirmed the problems VA encountered in its formulation and execution of its budgets in fiscal years 20005 and 2006 that ultimately led to the Bush administration—that is right, this administration—and this Congress asking for a supplemental funding of $3 billion.

From that report, she drew her own conclusions—in my view unsubstantiated conclusions—that the VA had misled and even lied to Congress about the veracity of its budget requests. Then she demanded accountability, as if it were nonexistent. I am here to tell my colleagues of the steps that have been taken to establish that accountability that is there and very clear today.

As soon as we learned of last year's budget shortfall, I called hearings and we got answers. The answers all of us received from the VA at that hearing and then in subsequent oversight hearings were what the GAO reported—that they were following much of what was being done to establish greater credibility. More importantly, what the Senator from Washington left out of her rendition of the GAO's report was that VA had already implemented nearly all of the GAO's recommendations prior to submission of its fiscal year 2007 budget in February.

Solutions to a problem were identified and implemented long ago, and that is why our VA is functioning as well as it is today. Also, based upon when we learned during our oversight hearings, we required VA to submit quarterly reports on budget execution. We have received three such reports this year. VA officials made themselves available to Members, to the staff, Republicans and Democrats alike.

We have historically operated the Veterans' Affairs Committee in a very bipartisan way, and it is beyond the pale that it appears we are now into partisan attacks just prior to the election.

Furthermore, for anyone interested in learning the facts about how VA is holding itself accountable for performance, you need to look at the record.

Just open up the VA's budget documents and you will see a host of performance measures that show a degree of institutional accountability that is the envy of other Government agencies and roundly praised by independent observers. Let me tick off a few of those performance measures, and as I am doing so, please be mindful of how the improvements in these areas during the Bush years have impacted the lives of veterans.

The percentage of patients who report being seen within 20 minutes of scheduled appointments by the VA care facilities has improved from 65 percent in 2002 to 73 percent through the end of last year.

The percentage of primary care appointments scheduled within 30 days of the desired date has improved from 89 percent in 2002 to 96 percent through the end of last year.

The percentage of specialty care appointments scheduled within 30 days of the desired date have improved from 86 percent in 2002 to 93 percent this year.

The number of veterans the VA treats in noninstitutional, long-term care settings has increased by 50 percent since 2002.

And the list goes on and on and on.

In 2004, the Rand Corporation examined why VA patients get better chronic preventative care than similar U.S. audits. The answer? Rand concluded that the VA's edge is linked to improved information technology, tracking of performance, and accountability. And that is when in these charts this kind of recognition began to take over. All of this was ignored in the speech by the Senator from Washington. So let's look at some of those facts.

Washington Monthly is not necessarily a publication that constantly praises the Bush administration, but it says VA care is the ''best care anywhere''—a tremendous statement and a very fine article about the phenomenal increases in quality health care delivered by the Veterans' Administration over the last number of years.

That is not the end of that story. Here is another part of that story, and this comes from not a Washington publication but from Time magazine. It goes on to say in this article how VA hospitals have become the best in the Nation. It says that for the sixth year in a row—let's backtrack to the Bush administration. I think they have been around a few years, maybe 6 or more. VA hospitals last year scored higher than private facilities on the University of Michigan's American Customer Satisfaction Index. The VA scored 83 out of 100. Private institutions scored 71 out of 100. That is a pretty good record. In fact, it is the best record in the United States.

Now, what did BusinessWeek magazine say about it? They said something very similar. They said that 154 hospitals and 871 clinics run by the Veterans' Administration have been ranked best in class by a number of independent groups on a broad range of measures from chronic care to heart disease treatment, and on and on. The VA's prescription for accuracy rates is greater than 99.97 percent. That is the rest of the story, and it is a mighty important story.

Now, let me talk just a few minutes about money because I think that is part of why we are as successful as we are, but it is also a phenomenal statement of this Congress—yes, a Republican-led Congress—and this administration's commitment to America's veterans. What are those accomplishments during the Bush years? Let me list a few.

With enactment of the 2007 budget, VA's health care budget will have increased 70 percent during the Bush years. Look at the numbers. Here they are. Those are undeniable. Those, in fact, are facts. They are budgetary facts. It is one of the fastest growth rates and increases in budget in any other area except defense in a time of war in this period of budgeting of the U.S. Government. Has a Republican-led Congress turned its back on American veterans? Quite the opposite.

The GI bill educational benefits for veterans has been boosted by 65 percent, raising the lifetime benefit from $23,400 to $38,700.

A new educational program was created for members of the Guard and Reserve activated after September 11, 2001, providing up to $39,960 in lifetime benefits.

The educational benefit for survivor and dependents of vets has been increased by 46 percent.

The maximum VA home loan guarantee has been increased by 107 percent.

The largest expansion of the National Cemetery System since the Civil War is currently underway.

Historic legislation was enacted to permit certain disabled veterans to receive their disability and military retirement benefits concurrently.

Comprehensive legislation was enacted to update and strengthen civilian protection available to members of the Armed Forces.

Comprehensive legislation was enacted to improve job training and placement services for veterans.

A new insurance program was created to provide immediate benefits—payments of between $25,000 to $100,000 to servicemembers who have been traumatically injured since the beginning of the war on terror. Mr. President, 2,700 injured veterans have received that benefit.

That is the record. That is the record, and that is the one this Congress and this President have responded to in a most timely and, more importantly, responsible fashion.

Now that I think the record is clear, what are some of the other answers?

Well, some on the other side would say it is money, money, money, and more money. We have found it is quite the opposite. It is making the system we have work more efficiently, more responsibly. We are now reshaping VA to handle the high-tech problems it has had, or the informational problems it has had, to make sure we secure the names and the lists and the informational flow of our veterans and their backgrounds. I am extremely proud of the work we have done, and we have done it in a bipartisan way.

So why now, in the late hours of this year, are we all of a sudden hearing all of these things that are what I believe to be improper statements about the Veterans' Administration? Well, I think we have to recognize what is at hand. It is a political year. But there is something we have never done; that is, politicize veterans or politicize our military. And we shouldn't start now.

Our record is strong. Our support of veterans has always been there. I have given my colleagues the facts and the numbers. I am proud of the accomplishments we have made this year alone, a near 14 percent increase in veterans health care or veterans budgets in general. There is no other agency of our Government except Defense that has had that kind of an increase.

So let's recognize what the year is all about. It is politics and it is political. What I have given my colleagues is a factual accounting of the great successes we have had in veterans affairs, with veterans, delivering service to veterans. That doesn't mean we are perfect and it doesn't mean every veteran got exactly what they wanted the moment they asked for it. That will never exist. But we will be responsive. We do care. And the expression on the part of this Congress, this President, and the American taxpayer in relation to the support of our veterans is, in fact, unprecedented.

I yield the floor.

The PRESIDENT pro tempore. Who yields time?

Mr. CRAIG. Mr. President, I note the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I believe it is time to close morning business.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Senator is correct. Morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will resume

consideration of H.R. 5631, which the clerk will report.

The legislative clerk read as follows:

Conference Report to accompany H.R. 5631, an Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

Mr. MCCAIN. Mr. President, today we are considering the conference report on the Department of Defense Appropriations Act for fiscal year 2007. The funding provided in this legislation is crucial for the ongoing war on terror. It is imperative that critical resources continue to be provided for the brave men and women who have answered their Nation's call. It is our duty to support those who defend our freedom and for that reason I will vote in favor of this legislation. However, while I will support passage, I note with concern the billions of dollars in wasteful earmarks that have again found their way into both the conference report and the joint explanatory statement.

Of equal importance to the legislation we are considering today is the National Defense Authorization Act for 2007. I am encouraged by last night's report that an agreement has been reached between Chairman WARNER and Chairman HUNTER. With bipartisan cooperation, I am confident that the conference report will be filed soon and its final passage can be achieved before we leave this week. It is a matter of national security and imperative in fulfilling our duty to defend the Nation.

An important provision contained in the Senate-passed Defense Authorization Act would require regular budgeting for the ongoing military operations in Iraq and Afghanistan. It is necessary because even though we have been fighting the war on terror for nearly 5 years, we continue to fund it through emergency supplemental spending bills that have become the rule, rather than the exception as would be expected for unanticipated expenditures. Fortunately, the provision to require budgeting for the war was adopted by a vote of 98 to 0, and I am very hopeful that this important budgetary requirement will remain intact in the conference report. The next budget submission will be expected to include funding to conduct the ongoing conflict for the next year.

The appropriations conference report before us today appropriates over $447 billion dollars for the Department of Defense. While this is considerable funding, it is more than $4 billion below what the President requested. Not only does this legislation provide less than the President's request, but many of the President's programs have been stripped out and replaced with earmarks for favored projects. These are serious times that require serious people to make serious decisions—tough decisions that may go against the special interests. I need not remind my colleagues that we are at war. Supporting the President's budget and the troops it sustains should be our primary focus, not parochial interests.

The issues we face as a Nation require all of us to make sacrifices. The service members who defend our Nation interests around the globe are making great sacrifices. The families who wait for them back home are making sacrifices. Because we ask these heroes to forfeit so much, we in the Congress should also be ready to make sacrifices. By doing so, a message can be sent that our Nation's security and the welfare of our service members are higher priorities than earmarks inserted to gain favor from special interests or the opportunity to send out a press release touting the bacon we are bringing home.

The practice of earmarking has reached epic proportions, and the harm it has caused in some cases has been clearly exposed. In the last 2 years alone we have had ample evidence of the corrupting influence of these earmarks on the Congress. It is clear that they detract from the trust and confidence the American taxpayer has placed in their elected officials. How high will we let the Federal deficit climb before we take our fiscal responsibilities seriously? What is it going to take for us to finally say, enough is enough? We should pass a Defense Appropriations Bill which mirrors the authorization bill and fulfills the requirements of our military as requested by the President.

The American taxpayer has a right to expect us to get the most out of each and every defense dollar, especially at a time when those dollars are so critical. The money that is being diverted to unauthorized projects should instead be used to address the needs of our services. It is the service chiefs who are in the best position to advise Congress of their priorities. Unauthorized earmarks drain our precious resources and adversely affect our national security.

Here is a sampling of nondefense related earmarks in the conference report or the joint explanatory statement we are considering: $12.8 million for Alaska Land Mobile Radio; $4 million for the Northern Line Extension of the Alaska Railroad; $1.4 million for the South Carolina Center for Excellence in Educational Technology; $10 million for the Port of Anchorage Intermodal Marine Facility Project; and $3.2 million for the Lewis Center for Educational Research, which houses a school and science center, but no known military application.

One of the more egregious add-ons in the legislation currently on the floor is the addition of over $2 billion for 10 C–17 cargo planes that were not requested by the administration. The Air Force is not asking for these additional C–17s and the Quadrennial Defense Review clearly states a need for a total of only 180 aircraft. Why are 10 additional aircraft now part of a bridge fund that is designed to provide necessary resources for our conflicts in Iraq and Afghanistan? Another reason I find this add-on particularly objectionable is that going into conference, the House had approved only three additional C–17s and the Senate had approved only two. At a minimum, seven additional C–17 aircraft were added by the conferees, and that was outside of the matter they were tasked to resolve. I simply find this to be outrageous. The practice of adding unrequested, unauthorized, and unneeded projects onto wartime spending bills must be put to an end. Other unrequested earmarks include $117 million for T–AGS oceanographic survey ships; $60 million for weapons industrial facilities equipment; $10 million for Earthmoving Scrapers; $12.7 million for aircraft weapons range support equipment; $10.6 million for ''Other Aircraft'' in the Air Force procurement category; $22.5 million for human factors engineering technology; $1.3 million for the RAND Arroyo Center; $14.9 million for industrial preparedness; and $44.5 million for the Maui Space Surveillance System.

This list goes on and on. In fact, there are hundreds of such add-ons that total over $5 billion. I am not arguing that some of these earmarks could be used for good causes. But I do protest the process by which Congress ignores priorities of the armed services so that they can deliver Federal tax dollars for local programs, some of which have nothing to do with the defense of our Nation.

I am also concerned about our restrictive trade policies and the potentially negative impact they have on our readiness and interoperability with our allies. Every year, so-called ''Buy America'' restrictions cost the Department of Defense and the American taxpayers billions. I oppose these types of protectionist policies and economically they just don't make sense. Free trade improves relations between nations and promotes economic growth. ''Buy America'' restrictions could seriously impair our ability to compete freely in international markets and risks existing business from our longest standing trade partners and allies.

This conference report includes language to prohibit the procurement of foreign carbon or steel armor plate, ball and roller bearings, ship cranes and propellers. These ''Buy America'' restrictions may cost the taxpayers more than purchasing the same items on the international market, and by imposing them, we risk denying our warfighters the best available technology. Though I oppose these protectionist provisions, I appreciate that the conferees have provided for appropriate waivers based on case-by-case certifications. But these are really issues of acquisition policy, not appropriations matters, and should be addressed during the defense authorization process. Let's leave the authorizing of acquisition policy to the authorizers and debate these types of issues on authorization bills.

Mr. President, the appropriations measure before us is critical to our

fight against terror. Ideally, I would not need to criticize this legislation, but we owe it to the American taxpayers to inform them of how their money is being spent.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. If my friend from Hawaii has no further comment to make, I ask for the yeas and nays.

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

The question is on agreeing to the conference report. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 261 Leg.]

YEAS—100

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

The conference report was agreed to.

Mr. STEVENS. 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.

Mr. STEVENS. Mr. President, again, I thank the 2 people primarily responsible for the bill being so well put together, Sid Ashworth and Charlie Houy, respective assistants for Senator INOUYE and me. It has been a good period dealing with this bill. This is the largest bill we have ever provided for the Department of Defense.

The PRESIDING OFFICER. The majority leader.

Order of Business

Mr. FRIST. Mr. President, I ask unanimous consent there now be a period of morning business until 12 noon with the time equally divided between the two leaders or their designees, the time count under rule XXII, and the following Senators be recognized in the following order: Senator BYRD, for up to 20 minutes; Senator SANTORUM, for up to 20 minutes; Senator FEINSTEIN, 15 minutes; Senator DEMINT, for up to 10 minutes; and 20 minutes under the control of Senator FRIST.

Ms. LANDRIEU. Reserving the right to object, could I ask the distinguished majority leader if he could add me to the list as the last person for 10 minutes?

Mr. FRIST. Mr. President, I will modify the unanimous consent to Senators BYRD, 20 minutes; SANTORUM, 20 minutes; FEINSTEIN, 15 minutes; DEMINT, 10 minutes; 20 minutes, ENZI, not FRIST.

I am going back to my original unanimous consent request because I have too many Members wanting to talk. What we are doing, just for the information of our colleagues, is to lay out just morning business. We might even be able to extend morning business until the Democratic leader and I plan out the remainder of the day.

Now, as soon as I do the unanimous consent, we have a lot of Members who want to talk. We will not cut anyone off, but Members have been waiting—including Senator BYRD—since last night, and I want to be able to recognize them.

Ms. LANDRIEU. I do object, I want to be cooperative.

The PRESIDING OFFICER. The objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business until 12:45, with the time equally divided between the two leaders or their designees, and further that the time count under rule XXII, and that the following Senators be recognized in the following order: BYRD, 20 minutes; SANTORUM, 20 minutes; FEINSTEIN, 15 minutes; DEMINT, 10 minutes; ENZI, 20 minutes; LANDRIEU, 10 minutes; BOXER, 10 minutes; and CRAIG, 10 minutes.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank Senator FRIST and Senator REID and all other Senators.

APPROPRIATIONS

Mr. BYRD. Mr. President, there are only 2 days—2 days—remaining in the fiscal year, and the Senate has passed only 2—only 2—of the 12 appropriations bills. The Senate just adopted a continuing resolution to continue the operations of Government for 14 of the 15 Departments.

This dismal performance is not the result of the work of the Appropriations Committee. The Appropriations Committee did its work and, on a bipartisan basis, reported all 12—all 12—of its bills by July 26. Chairman COCHRAN did an outstanding job, a remarkable job in leading the Appropriations Committee.

Yes, the Appropriations Committee did its work, did it well. Yet, here we are, just 2 days—2 days—away from the new fiscal year, and not one—not one—appropriations bill has been signed into law. And as everyone knows, the most vital bills that have to be done before we go home are the appropriations bills or the Government will stop running. Only two are likely to be sent to the President before the majority leader recesses the Senate for the elections.

The appropriations process has once again fallen victim to politics. The majority leadership designated September national security month. As a result, conferees have completed actions on the Defense bill and on the Homeland Security conference report. These are good, bipartisan bills. But not one other appropriations bill has come before this body, the Senate of the United States.

When it comes to the funding bills for domestic agencies, with the exception of Homeland Security, the majority leadership is apparently satisfied with a mindless continuing resolution. When it comes to the education of our children, when it comes to the health of the elderly, when it comes to the ability of our deteriorating infrastructure to sustain a growing economy, and the fiscal health of our farms, the majority leadership wants no debate—no debate—no debate—just a rubberstamp of a formula-based continuing resolution for 13 of the 15 Departments.

The majority leadership made a specific choice to delay bringing the domestic appropriations bills to the floor because it wished to avoid an open debate in the Senate—in this forum, where debate is free and open and one may speak as long as his or her feet will sustain him or her—it wished to avoid an open debate in the Senate about the many issues confronting Americans in their daily lives. That is what we are talking about.

The President submitted a budget for domestic programs that cut funding by $14 billion below the level necessary to keep pace with inflation. The President's proposal to increase fees on our veterans for their health care is indefensible. The White House proposed cuts in education, cuts in programs to fight crime. The President's budget is not sustainable. Yet, once more behind closed doors, the majority leadership inserted a cap on spending at the level proposed by the President's budget. This was done by jamming a cap on spending in an unamendable conference

report—unamendable conference report—intended to provide disaster relief for the victims of Hurricane Katrina and to fund the efforts of our valiant troops serving so heroically, yes, so heroically in Iraq and in Afghanistan.

To avoid debate—get that: to avoid debate; to avoid free and open debate—on the domestic appropriations bills, the Senate majority leadership has kept the Senate operating at a snail's pace all summer—all summer.

In July, the Senate had rollcall votes on only 9 days. In August, we voted on only 3 days. In September, we have had votes on just 10 days. So in the 3 months in which the Senate should be in overdrive to finish the appropriations bills, we have had votes on only 22 days. That is a pathetic—that is a pathetic—sorrowful performance.

Why? Why? The majority wants to avoid debate. The majority wants to avoid free and open public debate about its broken promises concerning the No Child Left Behind Act. The President's budget proposed the largest cut—hear me now—the President's budget proposed the largest cut to education funding in the 26-year history of the Education Department—I was here—the 26-year history of the Education Department, a $2.1 billion, or 4 percent, reduction. How about that.

This is a nonsensical squandering of the future of our children. Hear me. This is a nonsensical squandering of the future of our children. The Labor-HHS-Education appropriations bill underfunds the title I program—the cornerstone of the No Child Left Behind Act—by a whopping $12.3 billion. Mr. President, $12.3 billion—that is $12 and 30 odd cents for every minute since Jesus Christ was born. Get that: a whopping $12.3 billion; the cornerstone of the No Child Left Behind Act, by a whopping $12.3 billion.

It freezes funding for this program, even though the law calls for an increase of $2.25 billion—$2¼ billion. As a result, this bill would leave behind 3.7 million students who could be fully served by title I if the program were funded at the level promised by the No Child Left Behind Act.

I offered an amendment in the committee markup to increase title I funding by $6.1 billion—half of this year's shortfall—but the Republican majority rejected it. Was the Senate given an opportunity to debate the need to invest in the education of our children? No.

In June, the FBI released its violent crime figures. The FBI found that murders in the United States jumped 4 percent last year and, overall, crime, violent crime—violent crime—was up by 2.5 percent for the year, the largest annual increase in crime in the United States since 1991. Yet the President proposed to cut law enforcement grants to State and local governments by $1.2 billion and to eliminate the COPS hiring program.

Was the Senate given an opportunity to debate how best to respond to the largest annual increase in crime in 15 years? No. No.

More than 30 farm groups—ranging from the National Farmers Union and the American Farm Bureau Federation to the American Sugar Alliance, the National Association of Wheat Growers, the National Cotton Council, and the Independent Community Bankers of America—are pressing the Senate to enact agriculture disaster relief. Sixty-six percent—66 percent—of all counties in the United States have been declared disaster areas by the Agriculture Department this year, and 88 percent—88 percent—of the counties were declared disaster areas in 2005.

The Appropriations Committee, on a bipartisan basis, adopted a $4 billion disaster relief package back in June—back in June. Has the Senate had an opportunity to debate whether that relief package meets the needs of our farmers for disaster relief? No. No.

On July 19, the Commissioner of Social Security wrote me a letter in which she stated that the level of funding in the Labor-HHS bill: '' . . . would require employee furloughs of approximately 10 days Agency-wide.''

Has the Senate had a chance to debate whether our elderly citizens want long lines at our Social Security offices? No. American seniors—yes, American senior citizens, the elderly—are dealing with a serious health crisis. At issue is how to cope with the burden of high prescription drug prices. Seniors should not be asked to skip doses. Seniors should not be asked to split pills in half. Seniors should not be asked to choose between food and medicine in order to make ends meet. No. Never. Never, I say.

According to a research report released by the AARP, the average annual increase in the cost of a senior's medication is $300. Has the Senate had an opportunity to debate a provision in the House version of the Agriculture bill to allow drug reimportation? Has it? No. No.

The Environmental Protection Agency projects that our communities need in excess of $200 billion for clean and safe drinking water systems. Yet the Interior appropriations bill would cut funding from a level of $1.1 billion in fiscal year 2005 to $687 million in fiscal year 2007, a cut of 38 percent. Has there been any debate? No. Has there been any debate? No. Has there been any debate about the need for safe and clean drinking water in our communities? Has there been any debate on the Senate floor, in this forum of free speech—free, unlimited speech and debate? No. No. No.

If there is one lesson we all should have learned from Hurricane Katrina, it is that there are consequences to starving Federal agencies. FEMA, which performed marvelously after the Northridge earthquake, the Midwest floods, and the 9/11 attacks, simply was no longer up to the task when Hurricane Katrina hit the gulf coast last year. I wonder which other Federal agencies could be the next FEMA. Could it be the Food and Drug Administration? Has the Senate had the opportunity to debate whether the FDA has the resources and leadership necessary to make sure we have safe food and safe drugs? No.

The cost of attending a public 4-year college has increased 32 percent since the beginning of this administration. Yet the maximum Pell grant award has not been increased since 2002. Has the Senate discussed the wisdom of making it harder for our children to afford a college education? No.

The Labor-HHS bill cuts funding for the Centers for Disease Control's immunization program—one of the most cost-effective tools in preventing disease. For every dollar spent on vaccines, we save up to $27 in medical and societal costs. Has the Senate had the opportunity to debate the value of investing in the health of our children? No.

On the heels of the first cut to funding for the National Institutes of Health since 1970, the President proposed level funding of NIH in fiscal year 2007. As a result, the total number of NIH-funded research project grants would drop by 642, or 2 percent below last year's level. The President's budget would cut funding for 18 of the 19 institutes. Funding for the National Cancer Institute would drop by $40 million, and funding for the National Heart, Lung, and Blood Institute would drop by $21 million. Has there been a debate about the wisdom of these cuts? No.

The summerlong hiatus from our legislative duties makes us wonder why we bothered to keep the lights on in this Chamber.

After the coming recess, when the Congress returns in November, the prospect for the domestic bills is just as grim. Last week, under a veto threat from the White House, the majority agreed to carve another $5 billion out of the domestic bills. Nothing but another monstrous omnibus bill or a long-term continuing resolution is on the horizon for all of the remaining domestic bills.

When I was chairman of the Appropriations Committee, from 1989 to 1994 and in 2001, the Senate debated and passed every bill but one. It takes persistence, it takes determination, and it takes a commitment to the U.S. Senate to debate and approve all of those bills. Chairman COCHRAN of Mississippi has that determination, and he was successful just last year in bringing every bill to the Senate floor. However, the majority leadership does not, apparently, value that persistence and hard work. He does not value that persistence and hard work and determination. In an election year, the only thing of value is spend and win.

Mr. President, I regret that we have, once again, so markedly demonstrated in the Senate that keeping our jobs far outweighs the desire to do our jobs and do those jobs well for the American people. Make no mistake, the American people will judge us accordingly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

ISSUES BEFORE THE SENATE

Mr. SANTORUM. Mr. President, I rise to talk about a couple of issues that I think are very important. One I will get to in a minute, the pending legislation before us, the issue of immigration, illegal immigration, and what we are trying to do to combat that in the Senate.

Today, I am very hopeful that with the proper cooperation, we can get this done today and over to the President in the next 48 hours to begin the process of securing the border and dealing with an issue that may be the No. 1 issue in my State right now. I probably hear about this issue of illegal immigration from casual contact with my constituents in grocery stores, the train station, et cetera. I have more people asking me about the issue of illegal immigration than any other issue we deal with.

It is remarkable in the sense that if you talk to folks here in Washington and the ''experts'' in the media, this is not important to people. Particularly, you would think in a State such as Pennsylvania, which is miles away from the southern border but not too far from the northern border, this would not be an important issue. But it is an important issue. It is one that I am very pleased the Senate is going to deal with today after, I think, making a misstep in the previous consideration of illegal immigration legislation. We have now taken a step in the right direction, a step where we put the horse before the cart instead of the cart before the horse. So I am very excited about that. I will mention that in a moment.

There is one issue I wanted to get to. It is an issue the leader spoke about last night, the issue of Iran and the Iran Freedom and Support Act, which was passed in the House of Representatives yesterday. The House negotiated—and many of us in the Senate were involved, as well as the White House—and worked on an extension of the Iran-Libya Sanctions Act, to update that act, which needed to be done, and to take into consideration the change in dynamics in Libya and the change in dynamics with respect to Iran.

There is no country that I see on the horizon that is more dangerous to the national security of this country, in my opinion, than the country of Iran—not just to the national security of this country but the safety and security of the world. We need to have a better regime of sanctions as well as a better overall policy for dealing with Iran than what we have today in the ILSA, or Iran Libya Sanctions Act.

The House of Representatives, on a bipartisan basis, worked on the legislation, again, with the administration, which previously had opposed the Iran Freedom and Support Act, a bill that has 61 cosponsors here in the Senate, which we debated earlier this year. They took elements of that bill and the companion bill in the House, offered by ILEANA ROS-LEHTINEN from Florida. Working together with several House and Senate committees and with the administration, they were able to come up with a compromise and, again, many of us in the Senate worked with the administration and the House in crafting this. We were able to pass a bill that got so much support, they didn't even have to take a record vote on it. It passed by consent over there. That tells you the kind of strong support the bill enjoys. It was a bill authored by TOM LANTOS and ILEANA ROS-LEHTINEN, and the chairman and ranking member of one of the committees of jurisdiction, the International Relations Committee, were on the legislation and, again, it passed yesterday unanimously. That bill now is sitting on the floor of the Senate, at the desk.

The leader mentioned last night that it is our intent to bring this legislation up and to try to pass it in the Senate. We did not, last night, ask consent to do that because we were made aware there might be concerns on the other side of the aisle with respect to some of the provisions. We wanted to give ample opportunity to have the other side go through the legislation.

Again, I state that this is not a new issue. I know the Democratic leader got up today and suggested that there have been no hearings on the bill and there hasn't really been a discussion on the bill. I will tell you that just within the last year, the following hearings were held:

There was an ILSA reauthorization hearing in the Banking Committee, June 22; a terrorist threat hearing in the Homeland Security Committee, November 15 of last year; a nuclear Iran hearing, Foreign Relations Committee, March 2; response to nuclear Iran, Foreign Relations, September 19 of this year; Iran's nuclear and political ambitions, a two-part hearing, May 17 and 18 of this year; Iran's nuclear program/intelligence, Foreign Relations Committee, May 11.

In addition, as I mentioned, the Senate fully debated for 3 days the amendment I had offered to the National Defense Authorization Act back in June of this year. We debated that amendment for 3 days. We had a vote on the Senate floor. We had a full discussion of all of the provisions in the act, many of which, as I mentioned before, have been dropped. But many of the provisions that were debated were added to this bill—the ones that were noncontroversial. Things that were controversial were adapted to make them noncontroversial.

To suggest that somehow this is a brandnew piece of legislation, we haven't seen this before, there haven't been any hearings, we don't know anything about it, is just not accurate. We have had a full debate.

This is an important issue. For the United States Senate, for the Congress, the President to speak out on the issue of Iran at this time is critical as we confront, as we saw from a couple weeks ago, the machinations at the United Nations and President Ahmadinejad up there saber rattling as he does a little bit at the United Nations, but he is rattling sabers and all other types of weaponry in front of the people of Iran when he goes home and he speaks in his native language.

This is a very serious and dangerous threat. It is without question the principal reason we are having increased problems in Afghanistan and Iraq, because of the influence of Iran. Iran is there with fighters from Iran, with money and support, weaponry from Iran to foment sectarian violence. One of the reasons we are having the level of sectarian violence that we see there is because of Iran and its stated intention of being the dominant view in the Islamic world. The clash between Shia and Sunni is front and center in the ideology of the ruling mullahs of Iran and the President of Iran, Ahmadinejad. This is what their objective is. It is part and parcel of their own war within their religion, but it is also part of their strategy of destabilizing Iraq so democracy cannot flourish because if democracy flourishes, then it is an opportunity for moderate Islam to win the day over the fanatics who are trying to destroy that religion and destroy the world.

This is a vitally important issue for the Senate to bring up, I think no more important issue than for us to deal with this real threat, as I said on the floor a couple of weeks ago, I think the greatest threat that has ever faced this country and the world. If we do not act now when this threat is in its nascent stage, we risk cataclysmic consequences by not confronting this evil in time. We risk cataclysmic consequences if we don't, as this legislation permits, put increased sanctions on companies that do business with Iran and their nuclear program.

This is a very important piece of legislation, one that is so important that we were able, as I mentioned before, to get this kind of very quick consideration on the floor of the House of Representatives, and it passed unanimously. People in the House understand the threat of Iran. I hope the Senate does so also.

I will submit for the record the provisions of what this bill does. Some have suggested that it is a watered-down version of the Iran Freedom and Support Act. So to that degree I say, yes, it is, but it is watered down for the purpose of arriving at a consensus so we can speak into the moment.

It does make major changes particularly with respect to the President's waiver. We have had ILSA now for 10 years. We have a situation where a waiver has only been utilized, to my recollection, one time because there is no requirement the President has to

use his waiver authority. The President can look at these issues and decide yes or no sanctions, but there is no trigger, there is no force for the President to actually do something.

This compromise bill would encourage him to actually do something, to actually look at this information, make a decision, and if sanctions are warranted as a result of the investigation, then the President either has to impose those sanctions or waive them for six months. Right now he doesn't have to waive them. He simply keeps investigating. That is an important point to highlight.

That is an important pressure point that Iran needs to know that we are ratcheting up—albeit slightly compared to the original Iran Freedom and Support Act—we are ratcheting up the pressure on this illicit regime in Iran to do something. It is very important for the future security of our country.

I ask unanimous consent to print in the RECORD a fact sheet on the bill.

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

FACT SHEET ON SANTORUM IRAN BILL

Senator Santorum and Majority Leader Frist worked with House counterparts, House leadership, and Administration officials to craft a new bill that provides for key enhancements to the soon to expire Iran-Libya Sanctions Act (ILSA).

The bill also contains provisions that authorize assistance to pro-democracy groups inside and outside Iran, and provides additional authorities in the way of tools to curb money laundering efforts that support WMD proliferation.

The bipartisan House bill, H.R. 6198, was just passed by the House by voice vote.

This Santorum-Frist/Ros-Lehtinen-Lantos bipartisan Iran Freedom and Support Act contains several crucial elements that advance U.S. policy towards Iran:

First, it codifies sanctions, controls and Executive Orders in place against Iran. This was an important part of S. 333, the Iran Freedom and Support Act. This is a way Congress can make these important Executive Branch actions and measures part of our laws.

Second, the bill addresses the issue of investigating foreign investments in Iran's energy sector and revises the current waiver for the Iran-Libya Sanctions Act. The bipartisan bill strongly urges the Administration to investigate investment activity in Iran and report to Congress within 180 days on an investment. Instead of continuing with the open-ended waiver in current law, the bipartisan bill authorizes the President to avoid sanctioning foreign companies that invest in Iran's energy sector only if use of the waiver is vital to the national security interests of the United States. This is a six-month waiver, not an open-ended waiver. The bill permits the President to renew this waiver for six month periods. The bill also extends ILSA, due to expire on Friday, September 29, 2006, until the end of 2011.

Third, the bill directs the President to impose sanctions on foreign entities that export, transfer or provide Iran with WMD or WMD-related technologies or destabilizing conventional weapons. The President must impose these sanctions if a transfer occurs. This provision was also a key component of S. 333, the Iran Freedom and Support Act.

Fourth, and perhaps most important, the bill authorizes assistance for pro-democracy forces inside and outside Iran. These funds are authorized for groups that are committed to democratic ideals, respect for human rights, and equality of opportunity, among other things. Activities such as radio and television broadcasting into Iran are examples of activities that could be funded under this bill.

Fifth, the bill states that Congress declares it should be the policy of the U.S. to support the efforts of the people of Iran to exercise self-determination over the form of their government, and to support independent human rights and peaceful pro-democracy forces inside Iran. This provision is central to our efforts to successfully effect peaceful change inside Iran.

Sixth, there are provisions that enhance current money laundering sanctions available to the government. Current law is enhanced to enable Treasury to target entities that are involved in money laundering related to the proliferation of WMD and missiles.

In all, the bill takes many of the provisions found in S. 333 and H.R. 282, the House companion, and blends them together in a bill that has earned Administration support.

The bill is supported by outside stakeholders such as the American Israel Political Affairs Committee (AIPAC).

Mr. SANTORUM. Mr. President, I am hopeful today that the leaders will be able to get together and will be able to get consent to move forward on this bill. I assure you, this is a bill we must pass. This is ''the extension'' of ILSA with some very well thought out, negotiated compromises between Republicans and Democrats in the Congress, as well as the administration. I am hopeful that we can get a successful conclusion to that bill. The security of our country demands it.

IMMIGRATION

Mr. SANTORUM. Mr. President, I would like to move to another topic, and that is back to the issue of immigration and the fence bill with which we are dealing.

A lot of people have talked about a variety of implications of this legislation. To my mind, one of the principal considerations is the issue of national security.

The 9/11 Commission stated in the preface of its report that:

> It is perhaps obvious to state that terrorists cannot plan and carry out attacks in the United States if they are unable to enter the country.

That is obvious, but it is an important statement to be made that one of the things we must do to help secure this country is to make sure we have a better immigration policy, whether it is a legal immigration policy and people coming here legally, properly screened for legal immigration, or people who are coming in.

One of the things we are hearing is there are a lot more people coming across the southern border who are being picked up who are not Mexicans, who are not from Latin America. They are coming from other countries, other places around the world. This becomes an increasing concern with the porous southern border.

I commend the House for putting forth this bill. This is a very important part of an initiative that I have been talking about since the Senate passed an immigration bill which I said was, in my opinion, a misstep. I offered a package of legislation called the border security first approach, which is: Let's focus on the border. Let's focus on first things first. If we have a problem with 11 million people and growing, people who are in this country illegally, the first thing we should do is stop the growth. We should take a problem that now looks to be an infinite problem, an ever-growing problem, and make it a finite problem with a specific number of people who are here. But the idea that we are going to solve the problem of illegal immigrants by dealing with this, as the Senate bill did, by legalizing people who are here illegally without solving the problem of more and more people coming—in fact, being another beacon for more people to come because if they do come, and they get here illegally, we are going to legalize them at some point—it just, in my mind, is putting the cart before the horse. We need to put the horse out there, and the horse is stopping the problem from getting worse. That means border security.

A key element of border security that I think is obvious—certainly obvious to the American public; it is an 80–20 issue in my State—is to construct more physical barriers. That is what this legislation does.

It is important not just from the standpoint of the 9/11 Commission and terrorists, but what we are seeing in our State—again, we are far from the border—is an-ever increasing problem of illegal immigrants in illegal activity in our Commonwealth. We had the U.S. attorney for the eastern district at a press conference where I announced a $2.5 million grant to deal with the 222 corridor from Lancaster leading up into the Lehigh Valley. We have an explosion of gang activity there, much of it driven by illegal immigrants and a whole new crop of gangs from south of the border that are causing problems in that 222 corridor. We were able to get a Justice Department grant to help, but I think it points out the problem.

Hazleton, a sleepy little town, the wonderful little town of Hazleton has gotten on the map because of the problems illegal immigrants—criminal problems, drug problems, gang problems—have brought into that community.

It is a continuing problem. Just last week, Immigration and Customs Enforcement arrested 100 criminals who were illegal aliens and other folks who were immigrants out of status living throughout Pennsylvania, all the way from Philadelphia to Pittsburgh.

Among those arrested were sex offenders, people who have committed burglaries, larcenies, robberies, criminal trespass, weapons violations, narcotics violations, aggravated assaults, resisting arrest, fraud, et cetera. All of

these people were wanted on these charges. So this is not just a national security problem, but it is also a personal security problem when we are not regulating the people coming into this country, when we are allowing anyone with any record or with any intent to come into this country.

Again, that is the right of every country to do: to make sure our citizens are safe, and we have a way to accomplish that. I think this fence bill will be a step in the right direction.

Other ways in which people in this country are violating Americans, not just through potential terrorist activity and criminal activity, but another criminal activity that we are seeing more and more of—and we heard some cases during the debate—is identity theft.

A woman came to my attention. A constituent contacted us by the name of Laurie Beers who had her Social Security number stolen by an illegal immigrant. She is a nurse who, as part of her job, is constantly traveling. She learned her information had been stolen and misused. She did everything she was supposed to do: contacted the FTC, reported it to the identity theft hotline, contacted the credit bureaus, on and on—obviously, contacted the FBI.

In response she found out, yes, she was a victim of identity theft. She contacted the IRS. She was told that the man using her Social Security number is an illegal immigrant. After talking to the FBI and Secret Service, they confirmed the person is an illegal immigrant who has been working for an employer in New York City and has been filing income tax returns under her Social Security number.

Obviously, she was upset that a man working in New York was using her Social Security number to file income taxes for 3 years. She contacted the employer of that man who has been anything but cooperative in resolving this situation. In fact, she has reported they have been downright nasty.

She is lucky her credit hasn't been destroyed. But this man has, unfortunately, with her Social Security number passed some bad checks, and now she can't use checks at Wal-Mart and other stores because of her Social Security number being linked to the passage of bad checks.

That is just one example. Is it a big deal in the security of America? No, but it is a big deal if you are the person who is a victim of identify theft. So we see this as one ''small example,'' but big in her life, as well as thousands of other Americans who have been affected by the stealing of Social Security numbers.

This is an issue we need to address. We need to get this bill done this year. We need to step away from the bad provisions that the Senate passed, which I can go into in great detail, but they have been discussed over and over, everything, again, from legalizing people who committed illegal activity by first stepping into this country, to the Social Security issue, and a lot of others.

My time has expired. I thank, again, the leadership, BILL FRIST, for moving and pushing this bill. Let's hope for Senate passage today and a start to dealing with the issue of illegal immigration.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I believe I have 15 minutes.

The PRESIDING OFFICER. The Senator is correct.

AGRICULTURAL WORKERS

Mrs. FEINSTEIN. Mr. President, we have an opportunity today with the border fence bill and with the concurrence of Members of this body to help an industry that right now is in deep trouble, and that industry is American agriculture.

The reason it is in deep trouble is because it does not have the workforce to harvest the crops. This is true whether it is Florida, the State of Washington, Iowa, Idaho, California, Arizona, or any other agricultural State. The reason for the shortage of workers is because agriculture dominantly depends on what is an undocumented or illegal workforce. The reason that is the case is because it has been found over the years that American workers simply will not do this work. Therefore, agriculture, the huge industry that we have in America, has come to depend on an undocumented workforce.

Just to give one example—and I wish I had a big chart—but this is the pear crop in Lake County, a farm owned by Toni Scully, and these mounds are rotting pears on the field because they cannot be harvested in time.

California is the largest agricultural State in the Nation. It is a $34 billion industry. It has 76,500 farms. California produces one-half of all of the Nation's fruits, vegetables, and nuts from only 3 percent of the Nation's farmland. If these products cannot be harvested—and it is late in the harvest season today—the price of fresh produce all over this Nation is going to rise.

We have an opportunity to do something about it. I am joined on the floor by Senator Larry Craig of the State of Idaho who is the main author of the AgJOBS Program. In the Judiciary Committee in the immigration bill, we revised AgJOBS and it was part of the Senate-passed immigration bill. Along with AgJOBS, we have reformed the agricultural guest worker program called H–2A. These two programs combine to give the farmers of America the certitude they need that there will, in fact, be a workforce able to harvest their crops, plant their crops, prune, cut, pack, and sort crops in this great country.

In my State we have roughly 350 different crops: lemons, tomatoes, raisins, lettuce, prunes, onions, cotton, and many others that are grown all across the State. Growers are reporting that their harvest crews are 10 to 20 percent of what they were previously. It is a disaster, and it will be a very costly disaster for the farm community as well as for the consumers of America. And it can be solved. We could move today to put the AgJOBS bill on the border fence bill. We all recognize it isn't germane postcloture, but the body could agree to include it because of the emergency circumstances that exist in agriculture States throughout the Nation today.

In my State we employ at least 450,000 people in the peak of the harvest, with farm workers progressing from one crop to the next, stringing together as much as 7 months of work. The estimate is that the season is falling short by 70,000 workers.

It is a very serious situation. Fields in Pajaro Valley in Santa Cruz County are being abandoned. Farmers can't find workers to harvest strawberry, raspberry, and vegetable crops. In the Pajaro Valley, one farmer reports he has been forced to tear out 30 acres of vegetables. He has about 100 acres compromised by weeds because there is nobody to weed the field. He estimates his loss so far to be $200,000. California and Arizona farmers say they need 77,000 workers during December to May to harvest vegetables, and they estimate the shortage will be 35,000 workers.

It is amazing to me that we can't do something about this by passing a bill that has been heard in the Judiciary Committee, that has been amended, that has been discussed over a period of years.

I would ask, if I might, the Senator from Idaho a series of questions, through the Chair. The first question is how long the Senator from Idaho has been working on the AgJOBS bill?

Mr. CRAIG. Mr. President, I appreciate the Senator asking the question. I began to work with American agriculture and specifically western growers in the Pacific Northwest and in the Senator's State of California starting in about 1999 when they came to me and recognized, as they now clearly know, that they were beginning to rely on an illegal workforce of undocumented workers who were coming in because the law that exists, the H–2A, was so complicated and so bureaucratic, it was simply failing them. So it has been now at least 7 years that we have worked to comprise and build the AgJOBS legislation.

Mrs. FEINSTEIN. Mr. President, if I may, through the Chair, is there a crisis in the State of Idaho?

Mr. CRAIG. There is a growing crisis in the State of Idaho. I would like, if the Senator from California doesn't mind, to submit for the RECORD a ''Dear Colleague'' letter that the Senator from California and I sent out late this month. It speaks of California and Idaho and Washington and Oregon. I ask unanimous consent that it be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, September 22, 2006.

DEAR COLLEAGUE: Earlier this week, we went to the floor to highlight the desperate need for agricultural workers. In our colloquy, we discussed how American farmers are suffering, not because they don't have the crops and inventory, but because they don't have the workers to bring their crops to the market.

In fact, just this morning, a New York Times front page story proclaimed ''Pickers Are Few, and Growers Blame Congress.'' (copy attached) To be honest, we agree with their sentiment.

Farmers across this country have every reason to be angry and frustrated. There is simply no reason AgJOBS has not been enacted, and no reason it could not be passed now. The New York Times article is just one of dozens that have been written this summer highlighting the plight our farmers are facing.

California is the single largest agriculture state in the nation with over $34 billion in annual revenue and approximately 76,500 farms. And this year, growers in California are reporting that their harvesting crews are 10 to 20 percent of what they were previously. As the Times reported, ''California farms employ at least 450,000 people at the peak of the harvest, with farm workers progressing from one crop to the next, stringing together as much as seven months of work. Growers estimate the state fell short this harvest season by 70,000 workers.'' The impact is devastating ''fields go untended, and acres have to be torn up because there is no one to harvest them.'' (San Jose Mercury News 8/9/06)

Agricultural labor shortages affect not just California; in fact, they are impacting farms across the country, including harvesting of citrus in Florida, apples in New Hampshire, strawberries in Washington, and cherries in Oregon. In Wyoming, it has been reported that the labor shortage played a central role in the imminent closure of the $8 million Wind River Mushroom farm. The Idaho Department of Commerce and Labor reports that the number of farm workers in Idaho is down by 18 percent, and the Potato Growers of Idaho believes ''appropriate legislation, such as AgJOBS, is needed to keep the industry growing.'' (PGI news release, 9/12/06)

According to Cox News Service, ''One farmer in Cowlitz County in Washington state reported one-third of his blueberry crop rotted in the field for want of enough pickers,'' and a farmer in Oregon complained ''farmworkers should have been harvesting 25 tons of fruit per day from his Polk County cherry orchard. Instead, he could only hire enough temporary farmworkers to pick 6 tons.''

Most shocking, the American Farm Bureau has found ''that if Congress enacts legislation that deals only with border security and enforcement, the impact on fruit and vegetable farmers nationwide would be between $5 billion and $9 billion annually. Net farm income in the rest of the agricultural sectors would decline between $1.5 billion and $5 billion a year.''

Yet this is a problem we know how to solve, and can solve with your help. We have both introduced the AgJOBS bill as an amendment to the border fence bill now before the Senate. The AgJOBS program, previously passed by the Senate, is a bipartisan solution that would create a pilot program to allow certain longtime, trusted agricultural workers to legalize their immigration status in the United States while at the same time fixing the H2A visa program so farmers needing new temporary workers can bring them into this country through legal channels.

The time is long overdue to help American farmers get the labor they need. The opportunity is before us, and we must not turn our backs on this real problem that could be fixed with the enactment of the AgJOBS legislation. We urge you to support our efforts to get AgJOBS added to the border fence legislation and help American farmers get the assistance they need to bring their crops to market.

Sincerely,

DIANNE FEINSTEIN,
U.S. Senator.
LARRY CRAIG,
U.S. Senator.

[From the New York Times, Sept. 22, 2006]

PICKERS ARE FEW, AND GROWERS BLAME CONGRESS

(By Julia Preston)

Lakeport, CA—The pear growers here in Lake County waited decades for a crop of shapely fruit like the one that adorned their orchards last month.

''I felt like I went to heaven,'' said Nick Ivicevich, recalling the perfection of his most abundant crop in 45 years of tending trees.

Now harvest time has passed and tons of pears have ripened to mush on their branches, while the ground of Mr. Ivicevich's orchard reeks with rotting fruit. He and other growers in Lake County, about 90 miles north of San Francisco, could not find enough pickers.

Stepped-up border enforcement kept many illegal Mexican migrant workers out of California this year, farmers and labor contractors said, putting new strains on the state's shrinking seasonal farm labor force.

Labor shortages have also been reported by apple growers in Washington and upstate New York. Growers have gone from frustrated to furious with Congress, which has all but given up on passing legislation this year to create an agricultural guest-worker program.

Last week, 300 growers representing every major agricultural state rallied on the front lawn of the Capitol carrying baskets of fruit to express their ire.

This year's shortages are compounding a flight from the fields by Mexican workers already in the United States. As it has become harder to get into this country, many illegal immigrants have been reluctant to return to Mexico in the off-season. Remaining here year-round, they have gravitated toward more stable jobs.

''When you're having to pay housing costs, it's very difficult to survive and wait for the next agricultural season to come around,'' said Jack King, head of national affairs for the California Farm Bureau Federation.

California farms employ at least 450,000 people at the peak of the harvest, with farm workers progressing from one crop to the next, stringing together as much as seven months of work. Growers estimate the state fell short this harvest season by 70,000 workers. Joe Bautista, a labor contractor from Stockton who brings crews to Lake County, said about one-third of his regular workers stayed home in Mexico this year, while others were caught by the Border Patrol trying to enter the United States.

With fewer workers, Mr. Bautista fell behind in harvests near Sacramento and arrived weeks late in Lake County. ''There was a lot of pressure on the contractors,'' he said. ''But there is only so much we can do. There wasn't enough labor.''

For years, economists say, California farmers have been losing their pickers to less strenuous, more stable and sometimes higher-paying jobs in construction, landscaping and tourism.

''If you want another low-wage job, you can work in a hotel and not die in the heat,'' said Marc Grossman, the spokesman for the United Farm Workers of America. The union calculates that up to 15 percent of California's farm labor force leaves agriculture each year.

As they sum up this season's losses, estimated to be at least $10 million for California pear farmers alone, growers in the state mainly blame Republican lawmakers in Washington for stalling immigration legislation that would have addressed the shortage by authorizing a guest-worker program for agriculture. Many growers, a dependably Republican group, said they felt betrayed.

''After a while, you get done being sad and start being really angry,'' said Toni Scully, a lifelong Republican whose family owns a pear-packing operation in Lake County. ''The Republicans have given us a lot of lip service, and our crops are hanging on the trees rotting.''

Tons more pears that were harvested were rejected by Mrs. Scully's packing plant because they were picked too late. The rejects were dumped in a farm lot, mounds of pungent fruit swarming with bees, left to be eaten by deer. ''The anthem about the fruited plain,'' Mrs. Scully said sadly, ''I don't think this is what they had in mind.''

Some economists and advocates for farm workers say the labor shortages would ease if farmers would pay more. Lake County growers said that pickers' pay was not low—up to $150 a day—and that they had been ready to pay even more to save their crops. ''I would have raised my wages,'' said Steve Winant, a pear grower whose 14-acre orchard is still laden with overripe fruit. ''But there weren't any people to pay.''

The tightening of the border with Mexico, begun more than a decade ago but reinforced since May with the deployment of 6,000 National Guard troops, has forced California growers to acknowledge that most of their workers are illegal Mexican migrants. The U.F.W. estimates that more than 90 percent of the state's farm workers are illegal.

Most California growers gave up years ago on recruiting workers through the seasonal guest-worker program currently in place. Known as H–2A, the program requires employers to prove they tried to find American workers and to apply well in advance for relatively small contingents of foreign workers for fixed time periods.

''Our experience with the current H–2A program has been a nightmare,'' said Luawanna Hallstrom, general manager of Harry Singh & Sons, a vine-ripe tomato grower based in Oceanside, near San Diego.

Ms. Hallstrom said her company tried to use the program in the months after the Sept. 11 attacks, when security checks forced it to fire illegal migrant employees who were working in tomato fields on a military base. Her company lost $2.5 million on that 2001 crop, she said.

Over the years, occasional programs to draw American workers to the harvests have failed. ''Americans do not raise their children to be farm workers,'' Ms. Hallstrom said.

The failure of Congress to approve a new guest-worker program surprised California growers because a proposal that the Senate passed stemmed from a rare agreement between growers' organizations, the U.F.W. and other advocates for farm workers, and legislators ranging from conservative Republicans to liberal Democrats.

Known as AgJobs, the proposal would create a new temporary-resident status for seasonal farm workers and give them the

chance to become permanent residents if they work intensively in agriculture for at least three years. It was included in a bill that passed the Senate in May. The House has passed several bills focused on border security, and has avoided negotiations with the Senate on a broader immigration overhaul. [Three of the House bills were passed Thursday.]

Mr. Ivicevich, a 69-year-old family farmer, is not given to displays of emotion. But he paused for a moment, overwhelmed, as he stood among trees sagging with pears that oozed when he squeezed them. His nighttime sleep, in his cottage among his 122 acres of orchards, is disrupted by the thud of dropping fruit and the cracking of branches.

For decades, Mr. Ivicevich said, migrant pickers would knock on his door asking for work climbing his picking ladders. Then about five years ago they stopped knocking, and he turned to a labor contractor to muster harvest crews. This year, elated, he called the contractor in early August. Pears must be picked green and quickly packed and chilled, or they go soft in shipping.

''Then I called and I called and I called,'' Mr. Ivicevich said.

The picking crew, which he needed on Aug. 12, arrived two weeks late and 15 workers short. He lost about 1.8 million pounds of pears.

His neighbor, Mr. Winant, standing in his drooping orchard with his hands sunk in his jeans pockets, said he would rather bulldoze the pear trees than start preparing them for a new season.

''It's like a death, like a son died,'' said Mr. Winant, 45, who cares for the small orchard himself during the winter. ''You work all year and then see your work go to ground. I want to pull them out because of the agony. It's just too hard to take.''

Mr. CRAIG. Mr. President, clearly what is happening—and the Senator has said it so well—is this a failure of American agriculture or is this a failure of Congress? It is clearly a failure of Congress and the Government.

We have known our borders are porous for a long time, and we are closing them now, and we should close them. There is nothing wrong with doing that. In fact, for national security and to build an orderly process in immigration, it is critical that we do close them or control them. But we also knew that immediately attached to it had to be the creation of a legal guest worker program. That is where Congress is failing. We believe and in the letter we submitted the losses by the end of the harvest season could go anywhere from $1 billion—and they are well beyond that now—to $5 billion or $6 billion at farm gate, meaning as it leaves the farm, which means to the consumer in the supermarkets of America, it will be a much higher price to pay.

I thank the Senator for asking the question.

Mrs. FEINSTEIN. Mr. President, I thank the Senator for his response.

The fact is we have a pilot program that is part of the immigration bill that would provide over a 5-year period 1.5 million undocumented workers the opportunity to become documented, and provided they do agricultural work for a period of time, over time, to earn a green card. In discussing this with some Members they said they would agree if it were a temporary program. Well, it is a temporary program, because it sunsets in 5 years. I believe, and the Senator from Idaho will correct me if I am wrong, we would be prepared to change that sunset from 5 years to 2 years, or a time that would bring about concurrence from the Members.

But the point is there is a crisis out there. The point is we can solve that crisis now with this legislation. And the point is it is not new legislation. It has been authored, debated, discussed, heard now over a 6-year period. It has been refined. Both Senator CRAIG and I are convinced it will work. It was part of the immigration bill.

So what we are asking this body to do is essentially suspend the rule and allow this program to go into law at this time so the remainder of the harvest season and, more importantly, the planting season for winter vegetables and crops can be handled. If we do not do this, we will go well into next year without the agricultural labor present to sustain an agricultural industry in America in an adequate way, and the costs will be enormous.

I think somebody around here should begin to think of the consumer. I don't want to say to California families they are going to go in and buy heads of lettuce at $4 a head or more or broccoli at $5 a head or anything else because of a dramatic shortage, because farmers won't plant, because farmers can't pick, because farmers can't harvest, they can't sort, they can't pack, they can't can. That labor is needed, and year after year it has been documented that Americans will not do this kind of difficult, hot, stooped labor.

So this is an opportunity. It is an opportunity for us to respond to an industry of which we are all proud, and an industry which is in deep trouble at the present time.

Let me go on with a few other examples. I mentioned that California and Arizona farmers say they need 77,000 workers during the December to May to harvest, and they estimate they may be 35,000 workers short. The estimates from my State are that illegal immigrants make up at least one-fourth of the workforce and as high as 90 percent of the farm labor payroll. It is also estimated that for every agricultural job lost, we lose three to four other related jobs. I am told that in the Senator's State, farm workers are down 18 percent, and the potato growers of Idaho want AgJOBS passed to keep the industry growing.

In the State of Washington, in Cowlitz County, one-third of one farmer's blueberry crop rotted in the field because there were no pickers. Apple growers in the central part of the State were scrambling to find someone—anyone—to do the work of thinning the apple crop. Also in Washington, production at Bell Buoy Crab in Chinook, Pacific County is down 50 percent since April.

In Florida, Citrus Mutual notes: ''There is very little doubt we will leave a significant amount of fruit on the tree.'' Orange production in the State has been predicted to be the lowest since 1992 if the worst projections are realized. Six million boxes of oranges may well go unharvested in Florida this year because of a shortage of fruit pickers.

In Wyoming, they face the imminent closure of the $8 million Wind River Mushroom farm.

And in Oregon, farm workers should be harvesting 25 tons of fruit per day from the Polk County cherry orchards.

This is some indication. We have a bill, and that bill would provide the opportunity for an undocumented worker who has worked in agriculture for a substantial period of time—there are two different formulas in the bill—to go in to register, to pay a fine, to show their tax returns, to agree to pay taxes in the future, to get a temporary work card called a blue card, which would be biometric so that that worker is identified; it would eliminate fraud, and it would enable that worker, if they continue to work in agriculture for a period of years, to then gain a green card. It is a sound program. It will give farmers certainty. They will know there is an agricultural workforce, and it will involve people already in this country who are skilled, who are professional at farm work.

I don't know what it takes to show that there is an emergency. I think next year we would be ready, willing, and able to do this, but we will have lost another agricultural season, we will have lost a spring season, a summer season. I hope that someone will listen, that the leadership of this body will allow us, and I will call up—well, I can't do it now, but at an appropriate time I will call up the amendment that is at the desk.

I thank the Chair.

Mr. DEMINT. Mr. President, I ask to speak for 7 minutes as in morning business.

The PRESIDING OFFICER. The Senator is recognized for 7 minutes.

Mr. DEMINT. I thank the Chair.

(The remarks of Mr. DEMINT related to the introduction of S. 3995 are printed in today's RECORD under ''Statements On Introduced Bills and Joint Resolutions.'')

PROTECTING THE PUBLIC HEALTH

Mr. ENZI. Mr. President, I am rising in support of the motion of my colleague from North Carolina to pass the bioterrorism and BARDA legislation. It is vital we pass this bill before we adjourn because our Nation's bio-preparedness should be strengthened now and not put off until some distant time in the future. I urge all Members to support this motion and the bipartisan bill.

As chairman of the Committee on Health, Education, Labor and Pensions, I know this issue has been a priority of both Democrats and Republicans on the committee. Senator BURR

is the chairman of the committee's Subcommittee on Bioterrorism and Public Health Preparedness. It has been clear to me that he has directed a very open process that sought to get input from all stakeholders. In the past 2 years he has held at least eight hearings and roundtables on this subject, with witnesses representing a wide range of views and opinions. I also know that he held a lot of meetings with stakeholders, people who had an interest in this bill and ideas on this bill. He also hired some extremely professional staff with a lot of experience who could provide input and work to find those third ways of doing things when things were difficult. I have been pleased with the bipartisan effort and bicameral effort that he has made on this bill: to keep the House folks educated on what we were doing, to try to keep the Senate educated on what we were doing.

The substance of this bill, accordingly, represents a consensus of what public health officials, experts, and public policy groups from around the Nation believe needs to be done immediately to protect the public health of our Nation's families and workers. While we have made remarkable strides in our efforts to identify and address our Nation's weaknesses to biological threats, the fact remains that our defense on these fronts is far from perfect. Despite our best efforts in Congress, and the administration's efforts, there are holes we must fill if we are going to adequately ensure our safety. Senator BURR has worked tirelessly in a bipartisan fashion in the HELP Committee to examine these conditions and construct a solution to appropriately address the current shortcomings of our biodefense. The product of that work is now the subject of this motion, and it deserves our support.

Before we go home we all want to be able to tell our families and workers that we are taking all steps necessary to protect us from a natural, an accidental, or a deliberate public health threat. Supporting Mr. BURR's motion this morning is an essential step toward enacting these protections.

The bill has two distinct parts. The first part is the creation of a new authority built upon the highly successful Department of Defense's defense advanced research projects. This authority would encourage the development of new bioterrorism countermeasures. It is a look into the future; a way to figure out, before it happens, what needs to be developed using experts who can then encourage people to develop those products.

The second part is the reauthorization of the Bioterrorism Act. Both parts are necessary to ensure our Nation's biodefense security. A few years ago we had hoped that, through the creation of the bioshield fund, the pharmaceutical industry would create the drugs necessary to protect Americans. We cannot close our eyes and pray they have done what we hoped. They have not. The pharmaceutical industry is not commercializing enough drugs to fight infections diseases, whether they are spread naturally or through the effort of man.

The rise in the incidence of antibiotic-resistant strains of diseases and the possible specter of bird flu is very disturbing and demands our immediate attention. It is clear that without the passage of this legislation little will change.

The bill before us addresses this deficiency in a very similar strategy and process that we have seen to be effective with the Army through DARPA. By applying the successes of the DARPA programs to bioterrorism, we hope we can spur the industry to address this urgent need.

It is not clear if this step is enough, but it is clear if we do nothing, nothing will change.

The second portion of this bill also is vital to our biodefense preparedness. This part would reauthorize the Bioterrorism Act. To be clear, the Bioterrorism Act, which we passed after the anthrax attacks, was a giant step forward. The law has done a tremendous amount to help State and local governments prepare. However, at the same time, the specter of a pandemic bird flu was not on the horizon. In addition, we have learned a lot from the biohazard experience after the effects of Hurricane Katrina in the gulf coast.

More needs to be done to assure that State and local public health agencies know exactly what needs to be done and how they should be prepared.

The bill strengthens what we have already started to do and gives us the flexibility to prevent biological events from happening in the future. We cannot put off for another day the vital biodefense preparedness provisions contained in this bill. Our families and workers need this help today.

I urge my colleagues to support the motion. I support my colleague from the State of North Carolina as he tries to address this legislation immediately. I thank him for all of his hard work to get us here today.

I have not seen anybody dig into an issue to the level that he has, to get the expertise that he has in a very difficult area. We were pleased when he came over from the House to be part of the Senate and brought the expertise on this kind of bill with him. He has done a tremendous job, and I appreciate the way he has reached out to get something done.

It is my understanding that there might be an objection to going ahead and doing this today. Normally, at this point we would read a unanimous consent request to get on the bill, but it is my understanding that no one is going to come down from the other side of the aisle to object, and I can tell you I am not going to object to that on anybody's behalf.

Civility in the Senate says if the other side doesn't show up to object, somebody is supposed to object on their behalf. I am not going to do that. Instead, I am going to put off the request until later, until somebody can actually be here to object because I have difficulty imagining that people would object to this kind of national security at this point in the history of the United States.

So with that announcement, I will allocate the remainder of the time to the chairman, who has been working diligently on this bill, and let him give a few more informational views and comments and allocate the rest of the time.

I thank Senator BURR for his tremendous efforts, the tremendous work that has gone on up to this point. We do need to finish it now.

I yield the floor.

The PRESIDING OFFICER. The Senator is recognized. There is 12 minutes remaining.

Mr. BURR. Mr. President, I thank the chairman of the committee, and I also thank the ranking member, Senator KENNEDY, who has been extremely helpful throughout this whole process. If it were left up to the three of us, this bill would have become law and would have been signed by the President months ago, because in fact 50 percent of this bill was passed unanimously in the House of Representatives. But as you begin to see now the interest of my colleagues who think this is a vehicle leaving the Senate, some of the amendments that have popped up are not even germane to the issue of what we are here to talk about.

More importantly, I think we need to focus on why we are here—because of the threat of terrorism, the power of Mother Nature, what we have learned from the destruction of Katrina, what we continue to hear from the voices of individuals whose intent is every day to kill Americans.

This morning, the World Health Organization confirmed that the H5N1 bird flu strain has mutated. As you know, we don't have a vaccine today, but we are desperately trying to get there.

This Congress has made some exceptions as it relates to our development of a vaccine for pandemic flu because of the urgency. Yet, they do not see the same urgency as it relates to e. coli, or smallpox, or anthrax, or the ability to genetically modify any of them to overcome anything that we might have in our arsenal to defeat them today. Yet this morning the World Health Organization announced that in areas of China they have established that bird flu has mutated. That mutation means we do not have a vaccine; it means that the antivirals Tamiflu and Relenza that we have don't protect against this strain. It means we are completely unprotected.

In addition to that, reported today by the head of al-Qaida in Iraq, he put out an audio message that said this: ''We are in urgent need for you as American bases are the perfect place for nonconventional experiments of biologic and dirty warfare.''

But some argue that is not a real threat, that al-Qaida never participated in that. However, this quote is from the head of al-Qaida calling on his brothers, his scientists, to bring their research and development and see how well it works. If it can be used there, it can be used here.

In this bill, our attempt was to make sure that we have in place a robust research and development process that is focused on threats that might be intentional, threats that might be accidental, or threats that are natural. We certainly saw the power of the natural threats 1 year ago with Hurricane Katrina. As we sit here almost on the fifth anniversary of the anthrax attacks on the Congress, I think it is worth reminding our colleagues that this threat hasn't gone away. This threat continues yet today, and 5 years later we do not have the vaccines and drugs to defeat these threats. And if in fact terrorists have spent any time to genetically modify it, we have to question whether we have an antiviral capability to treat individuals who are infected and reverse that course and make sure there is no loss of life.

We are headed into a new season of pandemic flu. As that season starts and we detect those infected birds, how long will it be before one bird finds the shore of the United States, be it through Canada or Alaska?

We need to continue. We need to pass this legislation, We need to catch up with what the House did this week.

Members will come to the floor and say, ''We didn't debate it enough; we didn't have enough hearings; my voice wasn't heard.'' Let me assure you I have reached out to every Member of this body. I have continuously solicited their input, and most of that is incorporated into this bill. I will assure you there has been some input that I could not accept in the bill because it wouldn't maintain what we tried to accomplish; that is, to assure the American people we are doing everything within our power to make sure they are safe.

The legislation we have developed focuses on strategies to address public health and medical needs of at-risk individuals. Every person in this body learned after Hurricane Katrina that we have to better prepare to meet the needs of at-risk individuals, children and older Americans, in a totally different way than our current response plans. In our bill, we require that to be part of our national preparedness goals. We set up an at-risk individuals advisory committee to continually remind those responsible for responding to disasters of what in fact they need to do for at-risk populations.

In addition, we require of every State emergency response plan to incorporate at-risk individuals into their plans. We have not left them behind. We have made them a centerpiece of our focus in this legislation.

We also strengthen the State and local public health infrastructure in this bill by reauthorizing over $1 billion a year in Federal funding for grants from Health and Human Services for public health and medical preparedness.

The last thing we do, which I will focus on, is the single most important thing in this bill. We put somebody in charge. We made one individual responsible for the health care response of the Federal Government. And where we had those responsibilities fragmented before, with the help of the chairman of the Department of Homeland Security Appropriations Committee, we began to move those things. And where there needed to be greater consultation with agencies such as the Centers for Disease Control and Prevention in Atlanta, we built in that concentration.

I am convinced that with one person in charge when there is another disaster in America, we will not have fingerpointing. We will know exactly who to go to and who to hold responsible for execution of the plan, for creation of the plan, but, more importantly for how that plan dovetails with 50 State plans, thousands of communities, regardless of what the threat is, whether it be natural, intentional, or accidental.

We truly have lived up to what the chairman of the committee asked us to do—that was create the ability for an all-hazards response. Don't put us in a situation where we create something for a known threat only to have to go back and recreate the wheel when all of a sudden a threat appears that we didn't anticipate. This sets up a framework that allows us to do that.

It is my hope that later today the chairman will offer a unanimous consent request. I believe it will be objected to, but we will continue to try to improve our security level and put in place these changes so that the American people have that comfort of knowing we are doing our job.

I yield the floor.

The PRESIDING OFFICER. The Senator is advised that under the unanimous consent order currently only a member of the majority who is allocated time without a unanimous consent request is Senator CRAIG of Idaho. The Senator could be recognized by virtue of another unanimous consent request.

Mr. GREGG. Mr. President, I ask unanimous consent to speak for 5 minutes.

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

Mr. GREGG. Mr. President, I commend the chairman of the HELP Committee, Chairman ENZI, and Senator BURR, who is the energy and author of this bill.

I don't think there is a bill that comes to this floor that isn't important. Obviously, it wouldn't make it to this point in legislation. So calling something ''important'' becomes sort of a common phrase around here. But when you are talking about the issue of whether America is prepared for either a pandemic flu, or a terrorist attack using a biological agent which could threaten thousands and thousands—potentially tens of thousands—of Americans, you are talking about something that is really important. Senator BURR has focused on this issue.

We have in place laws that Senator ENZI and I helped structure a few years ago on Bioshield, to try to get this process started of getting ready for that kind of a biological attack. But the process didn't work the way it was supposed to work. It wasn't getting the industry involved, which has been devastated in our country—literally wiped out for all intents and purposes—by lawsuits. It was not willing to get started up again because they didn't feel there was, first, an adequate source of resources in the area of dealing with a biological attack and, secondly, they feared the huge potential liability that might fall on them for the production of what would be not a major item within their market.

Senator BURR has spent a year addressing these issues: How do we get more manufacturers and more entrepreneurs and more medical specialists into the business of developing and being positioned to develop vaccines which will deal with potential pandemic flu or a terrorist attack.

In addition, he recognized that is not enough, that you have to get the communities—especially State and local communities—thinking about how they will handle a situation where they may have literally tens of thousands of people they have to care for all at once, that type of a surge, or that they have to isolate from the community. The Federal Government clearly wasn't orchestrated correctly. It was diffused, as Senator BURR pointed out, as to who was responsible and how these plans were going to be developed.

This piece of legislation has evolved here through a superior exercise in legislative activity by Senator BURR and Senator ENZI, chairman of the full committee, in a bipartisan effort, a bicameral effort to address these very significant problems which we have found within our health care delivery system when it comes to dealing with a potential threat of a pandemic event or biological event.

This legislation should be passed. There is no reason it shouldn't pass. It passed in the House overwhelmingly. It came out of our committee unanimously. There is no reason it should not move across this floor. The other side of the aisle may have a couple of reservations about it. There is plenty of time to go back and address those if those reservations have any legs. But the point is the basic legislation here is excellent, it is agreed to, it is bipartisan but, most importantly and most significantly, it is needed now.

Obviously, we hope we don't get hit with a pandemic flu, but we have to start getting ready now if that happens. We can never predict when a terrorist attack is going to occur. Should

it occur with biological weapons, we need to get ready now for that. This bill does that.

I congratulate the Senator from North Carolina, and I congratulate the chairman of the committee, a superb chairman, who did a great job. But the smartest thing he did was to turn it over to the Senator from North Carolina to straighten it out. This is a good bill and should be passed. I hope the Senate will pass it today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I ask unanimous consent to speak for 5 minutes.

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

Mr. COBURN. Mr. President, first, I thank Senator BURR. Senator BURR and I served on the Commerce and Health committees in the House together. He also served on Intelligence in the House, and we have his expertise, his experience, and his tremendous insight into what needs to be done, and the risks.

I find it ironic that since we talk about all the issues that face our country in terms of risk, this is potentially one of the most deadly risks our country faces—not just from a natural occurrence such as bird flu but from the intentional use of manipulating biological, of manipulating viruses and bacteria. We know the intent of the people we are now fighting. It is to use fully any means at any time in any way to cause great disruption not only to the lives of Americans but on the economy of America.

The fact that someone would hold up this bill to give us the capability to direct resources to become prepared says one of two things: Either they don't believe there is a real threat either from Mother Nature or the leaders of the ''Islamo-fascist'' terrorists who want to attack us today or that they think we are prepared. And we are not prepared.

We heard Senator GREGG talk about the vaccine industry. We need a program to redevelop our capabilities. I am a practicing physician. What we do know is vaccine costs are higher today because we have no industry. We have a limited supply of vaccine manufacturers. We need research into vaccines at every area of every virus and every bacteria that could possibly be used against us, and then we need a way to get that out and a way to utilize it. We need research into new antiviral drugs for many of the viruses that could be posed as a biological weapon against this country.

I find it ironic, kind of like last night, we are trying to do something for victims of HIV, and those who want to object will not come to the floor and object; they want to hide in secrecy. They do not want to say what is really wrong. What they want to do is stop the process, hold up the process, and not accept the responsibility. There is no one in this Senate who holds up more things than I do, but everybody knows that I am the person doing it and they know why I do it.

This is within the responsibility of the Federal Government. It is within the priority of making a decision on where we spend money and what should be spent first. Protecting this country should be one of the No. 1 things we do. Protecting the lives of American citizens should be one of the No. 1 things we do.

To not come here and defend why we think this bill is not appropriate, to not come here and stand up and take credit for stopping prevention of accidents and terrorism in this country says a whole lot about the lack of transparency in this Senate. They should come to the Senate and say what is wrong and why they object. We should have a debate. If they want to object after that, let them do it. But to not come to the floor to make a formal objection as a courtesy to Senator ENZI, who does respect the rights of other Members of this Senate, it means those Members who will not come hide in the shadows, and the American people do not get to know what others might think is wrong with proceeding. That does an injustice to the country and to this Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I don't see additional Members in the Senate, so I will take the opportunity to ask unanimous consent to address the Senate for 5 minutes. If I do see additional Members seeking recognition, I will certainly accommodate them.

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

Mr. BURR. Mr. President, I was reminded, as Dr. COBURN spoke, that we do have a blueprint that guides us as it relates to pandemic flu. It is ''The Great Influenza.'' Most of us in the Senate were not here in 1918. I daresay we have few Members who were here at that time. This book is the greatest recap of what happened at that time and the significant impact on the lives of the American people and how many individuals died. Unlike what we might expect in a flu season, those affected were not the old and at risk. They were the young and healthy. They were the ones who were attacked with this case of pneumonia which was a strain which could not be overcome with any medicine they had available.

One walks away from this historical lesson realizing, if we think it could happen—which nobody questions—then we should do everything within our means to make sure we are not left in the same position we were in 1918 with no stable of products to defeat this virus.

What do we do in this bill? We develop a partnership between the Federal Government and private companies, between the Federal Government and academic institutions, between the Federal Government and any researcher who might have research that leads us to believe they might hold the key to a cure. We enter into that partnership with the belief that as long as the research and development shows promise in the right direction, we will continue to be a good partner, but if at any point, in real time, we see it is not headed where we want, we stop our funding. We are fiscally responsible.

We make sure one person is in charge of the health response in the United States versus a multitude of individuals at multiple agencies. For the first time, this country would have an approach to our health response and to our development of antivirals and vaccines to defeat these agents that is not limited to one area but covers all hazards.

We build on the State preparedness plans. We do not trump the State plan. We do not create two separate plans. We integrate into that State plan to make sure we are there to support the replenishment of supplies, with the logistic needs. We have to make sure, in fact, that in the first 72 hours after a disaster, individuals feel the full effects of local, State, and Federal resources.

We rebuild the public health infrastructure in America. I challenge anyone to look at the community they live in and compare the public health infrastructure they grew up with to the one they have today. It is impossible to believe we can have a nationwide plan of response if, in fact, our public health infrastructure varies as greatly as it does today from the inoculation point for low-income children to the only place, in some cases, where health care can be delivered.

We strengthen our surveillance, which, as we look at the bird flu, is absolutely crucial, our ability to identify at the earliest possible point whether, in fact, an infection and a threat is alive and well.

We allow for the surge capacity of health care professionals. I see my colleague from Louisiana is in the Senate. She would be the first to know that one of the challenges when Katrina dramatically affected this country was that health care professionals around the country who intended to go to Louisiana and supply that very important medical surge capacity had a licensing problem in Louisiana. I forget the exact reason. But the question is, How can we overcome this challenge in the future? We create in this bill a voluntary network that health care professionals can sign in to get their credentials verified ahead of time, where the United States can then deploy these approved health care professionals on a moment's notice without any additional hurdles.

I see my colleagues. Since we do have individuals who could execute their objection, it would probably be an appropriate time to offer the unanimous-consent request.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Carolina controls the floor.

Mr. BURR. 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.

UNANIMOUS-CONSENT REQUEST—S. 3678

Mr. BURR. Mr. President, I ask unanimous-consent that the HELP Committee be discharged from further consideration of S. 3678 and the Senate proceed to its immediate consideration. I also ask unanimous-consent that the substitute at the desk be agreed to; the bill, as amended, be read the third time and passed, and the motion to reconsider be laid upon the table.

Mrs. MURRAY. Mr. President, reserving the right to object, I ask unanimous-consent that the majority leader, with the concurrence of the Democratic leader, may at any time turn to the consideration of S. 3678; that it be considered under the following limitations: that the managers' amendment be withdrawn and a managers' amendment that has been agreed to by both managers and both leaders be agreed to for purposes of the original text; that the first-degree amendments deal with similar subject matter as contained in the text of the bill, except where noted; and that relevant second-degree amendments be in order thereto. The amendments are as follows: Durbin, single food agency; Conrad, national emergency telehealth task force; Lieberman, at-risk populations; Lautenberg, mass-transit preparedness; Wyden, FOIA; Leahy, compensation fund; Dorgan, one amendment; Leahy, two amendments; Obama, one amendment; Levin, one amendment; that in addition to any time limits on amendments, there be 6 hours of debate on the bill—

The PRESIDING OFFICER. The Senator's unanimous-consent request is out of order by merely reserving the right to object. The Senator has to object to the pending unanimous-consent request by the Senator from North Carolina.

Mrs. MURRAY. Mr. President, reserving the right to object, I ask unanimous-consent to modify the request of the Senator from North Carolina with another unanimous-consent request.

The PRESIDING OFFICER. As the Chair understands it, the Senator from Washington would still have to object to the pending unanimous-consent request in order to make it a substitute.

Mrs. MURRAY. I believe the other Senator will have to object to my request.

The PRESIDING OFFICER. If the Senator would pause, is the Senator's second request to modify the pending unanimous-consent request of the Senator from North Carolina?

Mrs. MURRAY. That is correct.

The PRESIDING OFFICER. That would be in order.

Mrs. MURRAY. I ask consent to modify the unanimous-consent request of the Senator from North Carolina to the extent I just outlined, and also I add that there be 6 hours for debate on the bill to be equally divided between the two leaders or their designees; and that upon the disposition of these amendments and the use or yielding back of time, the Senate bill be read a third time and the Senate proceed to vote on passage of the bill.

I ask unanimous-consent that the Senator from North Carolina modify his request to include this consent.

The PRESIDING OFFICER. Is there objection to the motion?

Mr. BURR. Mr. President, reserving the right to object, as Members may have missed the over 30 minutes many of us have been in the Senate Chamber, a significant amount of time and effort has gone into this bill. A very general solicitation and at times a very specific solicitation for input has been sought from my colleagues, without a response.

Yesterday, a list of possible amendments was supplied. Most of those amendments were not even applicable to what is in the bill. We are not in a position right now to know what the specific modifications are that are being suggested, since we have not seen the actual amendments. Therefore, I object to the unanimous-consent request.

The PRESIDING OFFICER. The objection is heard.

Mrs. MURRAY. Knowing they would object to our asking for a number of our Senators to be allowed to have amendments, I object to the Senator's request as well.

The PRESIDING OFFICER. The objection is heard to both the modification and the original unanimous-consent request.

The Senator from Louisiana is recognized for 10 minutes.

OFFSHORE ENERGY

Ms. LANDRIEU. Mr. President, we are trying to wrap up many important issues before we leave. One issue that has remained elusive at this point is the solution for our offshore energy bill. The House has passed a version; the Senate has passed a version. I am here to talk about the benefits of the Senate approach to this subject since there seems to be some real confusion on the part of some of the House members about the Senate approach. I have had many private conversations and many meetings, but I thought I might try to clarify a few things as we seek to understand each other a little better.

I have great respect for many Members on the House side. Chairman POMBO and others have worked very hard. I know they are very sincere about trying to find new avenues for domestic production. It is most certainly a goal I share and that many Senators in the Senate share, Republicans and Democrats.

We have had our arguments, knockdown, drag-out arguments about ANWR. I am clearly on the side that supports production in ANWR. I happen to be in a minority of Democrats on that, and we could never pass that in the Senate, or have not to date. We have been debating it now for 30 years. But there is consensus—there is consensus—in the Senate about opening a significant area in the Gulf of Mexico to help bring much-needed oil and natural gas to this country.

I wish to put into the RECORD from the Consumer Alliance for Energy Security what they say about natural gas:

> Natural gas is used to make fertilizer for ethanol.

For those who are arguing for more ethanol, ethanol needs sugarcane, ethanol needs corn. We need fertilizer to grow sugarcane and corn.

> Natural gas is used as a substitute for diesel fuel in our buses and fleet vehicles.
>
> Electric utilities use natural gas to generate clean power.
>
> Natural gas is a raw material that goes into lightweight cars for fuel efficiency, wind power blades, solar panels, building insulation and other energy efficient materials.
>
> Natural gas is used to make hydrogen fuel necessary for fuel cells.

They say:

> In the face of declining natural gas production, consumers are hungry for a solution to our energy crisis.

The Senate has provided a solution. Democrats and Republicans agree—we need more natural gas. So we have carved out an area. Shown on this map, is an area that is under leasing moratoria right now and which has been under leasing for the last 15 or 20 years. It has been closed off to production—8 million acres.

But this Senate, in a historic vote, has decided that we need the natural gas. We believe in what the Consumer Alliance and thousands of organizations have stepped up to say. We need natural gas. We are prepared to open this section—8 million acres.

To put this in perspective, ANWR is only 2,000 acres. So when critics of our approach say the Senate bill does not do anything, then, why did we debate for 30 years over nothing? If we debated 30 years only 2,000 acres, why is 8 million acres nothing? I do not think that is true. It is obviously incorrect. Eight million acres is a great many more than 2,000 acres. The reserves here are thought to be substantial.

Shown on this map is the oil discovery that was announced 3 weeks or 4 weeks ago announced: the Jack well, as it is commonly known, discovered by a Chevron partnership. This one well, drilled 28,000 feet—10,000 feet of water and 18,000 feet of land—will double the reserves of oil and gas in the

United States of America. This one little square, right here.

So when people in the House of Representatives say, opening up 8 million acres here will do nothing, they are dead wrong. We might find four or five ''Jack'' wells in here. We could find 100. How would we know? Because no one will let us go look. And if we do not pass this bill, which the Presiding Officer helped to pass and helped to craft, we will never know, and our industries will continue to lose jobs and lose their competitive edge. We are losing thousands of jobs.

Experts estimate that there is enough gas in this section alone to run 1,000 chemical plants for 40 years. That lessens the need to go drilling in ANWR. But this bill is not about ANWR. And the good news about this is, the States of Florida, Alabama, Mississippi, Louisiana, and Texas are all in agreement. Republicans and Democrats are in agreement. They understand the need. They want to step up and help America. This money generated by this bill will go to support these coastal communities and reduce the deficit.

Mr. President, I ask unanimous consent for 3 more minutes. I see my colleague from California.

Mrs. BOXER. No problem.

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

Ms. LANDRIEU. Mr. President, I appreciate that.

Instead, the House of Representatives has proposed a bill that is breathtaking in its reach, and then wonders why we cannot pass it. In the House bill, the House committee decided to open up drilling along the entire Atlantic seaboard, and they took it upon themselves to redraw state boundary lines. Very few people have seen these state boundary lines, so I decided I would go ahead and show this map so people can see it.

These lines have not been approved by the Commerce Department. They have not been approved by the Interior Department. They have not been seen by the Defense Department. And MMS does not certify these lines. There are 200 years of maritime law that went into developing the original lines that looked like this, as shown on this official Interior Department map. The lines shown on this Interior Department map are the lines that we are all governed by now. But the House committee decided to go into a room and redraw the lines without talking to the Governors of these States, the Senators from these States, and I am not even sure the House Members from these States ever saw these lines.

They ask me why I can't pass this bill on the floor of the Senate. What is wrong with Senator DOMENICI and Senator LANDRIEU. They can't get this bill passed. I would suggest it is going to take a few hearings, a few public meetings, and a little bit of work over there before we can get something such as this passed. I will help them. I actually believe in what they want to do. I may be in the minority over here. I will help. But I do not think I can get this done this weekend. But what I can get done this weekend—what we can get done this weekend—is to open up 8 million acres filled with the natural gas and oil this country desperately needs. We can send a positive signal and a necessary signal to the marketplace that America is serious about finding more domestic reserves for oil and gas. And we can send a hopeful signal—as the Saints did when they carried that ball across the goal line earlier this week several times; an extraordinary game—to the people of the gulf coast that we still know they are suffering, and we are going to pass a bill that helps to generate jobs in this region, saves their wetlands, builds their levees, and reduces the Federal deficit.

Our bill respects the coast of Florida, it reduces the deficit, it saves the wetlands, it builds levees, and it gives everybody in America natural gas—and there is a problem with this bill?

I do not know what the problem is. We had 72 Senators who worked all year on it. I respect the House of Representatives. I understand what they want to do. But it is too broad of a reach.

The Senator from California is on the floor, and she has been very gracious, and I will only take 1 more minute. I did not have time to go get the model they have for the west coast, of which their bill wants to open up west coast drilling. With all due respect to Congressman POMBO, he does not even have the support of his own Governor in his own party. And he wonders why Senator DOMENICI cannot get his bill passed? He cannot get it past his California legislature. How am I supposed to get it past the Senate?

So I am asking the House colleagues, please be reasonable. Take this a step at a time. Some people object to drilling on the Atlantic coast. I do not happen to be one of them. I will help them, but we cannot get that done this weekend. And it may never happen because you have to get political support from these States.

But I will conclude with this: We have a great coalition in the gulf coast. The people of the gulf coast know how to drill for oil and gas. The technology is superb. We minimize the environmental footprint. We know where the gas is. Let us go get it. Then we can use that money to continue to help us restore our coast.

So I am pleading with my colleagues. I will work with you. I will continue to work with you. So will Senator DOMENICI. And I think I can speak for the Senators from Florida, as well as the Senators from Mississippi, Alabama, and Texas. We will put our shoulders to the wheel to do what we can, but let us go forward.

In the Senate, the Gulf Coast States came together and created a formula that is fair to all. Each coastal-producing State shares in the revenues received according to the length of their coastline, their proximity to oil and gas development—and the likely impacts from that development.

Also, the Senate formula recognizes that some of the Gulf States have provided oil and natural gas to the country for decades, receiving the brunt of the impacts, and few of the benefits. For that reason, States that have hosted the industry for the longest would have secured marginally more of the revenues by way of compensation.

The Senate bill also recognizes that the minerals of the Outer Continental Shelf are a national resource—belonging to the Nation as a whole. That is why every State receives the majority share of the revenues: 50 percent would go directly to the Federal Treasury; 12.5 percent would go into the Land and Water Conservation Fund—a conservation royalty that benefits all 50 States.

Arriving at a formula that was fair and equitable was not easy: each of the Senators from the four gulf-producing States met on a daily basis over a series of weeks.

Ultimately, the gulf coast was able to stand united: all ten Senators from the Gulf States voted in favor of the Senate bill. But it was not an easy feat.

Agreement among neighboring States is critical—and difficult to achieve. What is at stake are billions of dollars and the Nation's energy security.

The House bill creates State boundary lines that would divide the Federal OCS into zones controlled by the closest State. Under the House proposal, States have the power to authorize or halt energy development activities within this zone. They also have claim to the lion's share of the revenues generated within this zone.

The Senate and the House take fundamentally different approaches to two key issues:

The Domenici-Landrieu bill would open 8.3 million acres in the Gulf of Mexico—a region that has continuously been one of the most productive oil and natural gas basins in North America.

Since the world's first offshore oil well was drilled near Creole, LA, in 1933, the Gulf of Mexico has provided the Nation with more than 15 billion barrels of oil and 165 trillion cubic feet of natural gas.

Each year, offshore production from the Gulf of Mexico offshore accounts for more than 560 million barrels of oil and 4 trillion cubic feet of natural gas. If you add in the onshore production from the neighboring Gulf States, this region produces more than 1 billion barrels of oil each year. That is more than the imports from Saudi Arabia and Venezuela combined.

Conservative estimates show that the Senate bill will increase the Nation's supply of affordable, domestically produced energy by 1.3 billion barrels of oil and 5.8 trillion cubic feet of natural gas.

That much crude oil will produce enough gasoline to drive 1.7 billion cars

from DC to New York—with plenty left over to heat 1.2 million homes for more than a decade.

These lines were drawn without any input from the coastal States, without input from the Minerals Management Service, the Coast Guard, or other stewards of America's oceans.

In fact, the Minerals Management Service had painstakingly crafted ''State Administrative Boundaries'' in an effort to clarify which State has the most interest in the area seaward of its coastline because of the increasing number of commercial activities on the Federal OCS.

These boundary lines—which were crafted in consultation with the MMS, the National Ocean Service, the Department of State, as well as in accordance with past Federal and Supreme Court decisions, and significant public input—were disregarded in the House bill.

States that were deemed more likely to drill off their coasts seem to have been granted more territory. States that have made their opposition to OCS activity well known, seem to have had their territories trimmed down significantly.

Virginia's gain was Maryland's and North Carolina's loss. Georgia's gain was Florida's loss.

I support increased access to the Nation's offshore energy resources. I believe strongly that we need to make this Nation more energy independent and less reliant on foreign sources of oil.

But I am also a pragmatist and know that we cannot overturn 30 years of poor energy management policy overnight—without consulting the States, without consulting our Federal natural resource managers.

I encourage our neighbors on the east and west coasts to re-examine their failed policy on moratoria on developing energy resources from the Federal Outer Continental Shelf. But I cannot force them to do so. Instead, we need to have an open dialogue on this issue and work to improve U.S. policy in this critical arena.

That much natural gas will sustain 1,000 chemical plants for 40 years—and those plants would provide jobs for about 400,000 Americans.

The potential of future drilling in the Gulf was recently underscored by a massive oil discovery miles of the coast of Louisiana.

Some analysts believe that this single find in the deepwater Gulf of Mexico could produce more than 15 billion barrels of oil.

By 2012, daily production from this single prospect could total 800,000 barrels of oil per day of light, and more than 1 billion cubic feet per day of natural gas.

This discovery effectively increased the total proven oil reserves of the United States by 50 percent.

While the ''Jack'' discovery is not directly adjacent to the 181 and 181 South area, some geologists have speculated that these mineral-rich ridges could extend eastward into the 181 and 181 South area.

This find shows that the Gulf of Mexico remains one of the most promising oil and natural gas regions in North America and the world.

It is likely that major finds such as the ''Jack'' prospect will spur an increase in exploration and production activity in the ultradeep waters of the Gulf of Mexico.

It is highly likely that this discovery—and other major finds in the Gulf of Mexico—will cause bonus bids to escalate at future lease sales, and increase revenues flowing to the Federal Treasury.

In contrast to the bounty available in the Gulf of Mexico, the MMS anticipates that the total production off Virginia will be about 560 million barrels of oil and 327 billion cubic feet of natural gas.

Compare this to the resources opened by the Senate's Domenici-Landrieu bill in the Gulf of Mexico which the MMS estimates will total 1.3 billion barrels of oil and 5.7 trillion cubic feet of natural gas. The Virginia proposal has 4.7 million acres.

Domenici-Landrieu is adjacent to existing infrastructure—pipelines, ports, and refineries. The area off Virginia is not adjacent to industrial infrastructure.

Virginians may want to open their shores to offshore oil and gas production—a goal that I share and support—but Virginia's waters are quite close to the shores of North Carolina, Maryland, and Delaware.

Why is this a problem? In 1990, the State of North Carolina successfully forced several oil companies to cease all activity and relinquish their rights to drill more than 50 miles from shore, far out of sight from shore.

Similarly, California, Maine, and Florida have repeatedly proven that they can shut down production, even when it is far from their shores.

Today, the President has acquiesced to his brother's request that no new drilling be allowed within 100 miles of Florida. As a result, no new leases are allowed off Alabama—despite the fact that their oil and gas has been safely produced in that region for more than 30 years.

Mr. President, I ask unanimous consent that excerpts of document from the Consumer Alliance for Energy Security and other relevant material be printed in the RECORD.

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

[From Consumer Alliance for Energy Security]

VOTE ON AN OCS ENERGY BILL

WHY?

A vote for an Outer Continental Shelf (OCS) energy bill is a vote for clean, alternative energy. America must develop alternative and clean sources of energy. But it can't happen without natural gas. Congress can make it happen by safely accessing the abundant supplies of American natural gas on the Outer Continental Shelf (OCS).

Natural gas is used to make fertilizer for ethanol.

Natural gas is used as a substitute for diesel fuel in our buses and fleet vehicles.

Electric utilities use natural gas to generate clean power.

Natural gas is a raw material that goes into lightweight cars for fuel efficiency, wind power blades, solar panels, building insulation and other energy efficient materials.

Natural gas is used to make hydrogen fuel necessary for fuel cells.

If Congress is serious about pursuing alternative energies, then it must get serious about safely accessing America's own natural gas supplies. We urge you to send an OCS bill to President Bush this month. Doing so, Congress can reverse a more than 25-year 'Just Say No' energy policy. Congress holds the key to ending the current energy crisis in the U.S.

In the face of declining natural gas production, consumers are hungry for a solution to our energy crisis. Both H.R. 4761 and S. 3711 break new ground. Time is running out. We strongly urge you to get the job done.

American consumers are counting on your action.

BUSINESS ROUNDTABLE,
Washington, DC, July 24, 2006.

TO MEMBERS OF THE SENATE: . . . S. 3711 represents a crucial building block for our long-term vision of greater energy security and economic vitality. As you know, our country is blessed with abundant supplies of deep-water oil and natural gas in the Gulf of Mexico, much of which is currently off-limits to development. S. 3711, which reflects a strong bipartisan consensus, would open more than eight million acres of the Outer Continental Shelf (OCS) to leasing within one year. Estimates suggest that such action would make nearly six trillion cubic feet of natural gas and 1.25 billion barrels of oil newly available for production. The availability of new supplies of natural gas, in particular, would be a boon for industrial companies who rely on natural gas as a critical raw material, and I consumers, who depend on natural gas for home heating and electricity. . . .

Sincerely,

MICHAEL G. MORRIS,
Chairman, President and Chief Executive Officer, American Electric Power, Chairman, Energy Task Force, Business Roundtable.

ATLANTIC COAST GOVERNORS PLEDGE TO OPPOSE OFFSHORE DRILLING

''Energy independence is something we're all after, but we think it makes more sense in the long run to pursue that goal through focusing on alternative forms of energy rather than fossil fuels. Tourism is our state's number one industry, and we don't think it makes sense to undertake something that could potentially damage our coast.''—South Carolina Governor Mark Sanford (R).

''While it is clear that the United States must become more energy independent, such independence must not come at the cost of the fragile ecosystems and vital tourism economy of our coast.''—North Carolina Governor Mike Easley (D).

''Drilling in our ocean waters should be a last resort, not a first step toward achieving energy independence. Before we sanction further exploration and drilling off our shores, we need to aggressively pursue strategies to reduce our dependence on oil and natural gas, regardless of where it is produced.''—Delaware Governor Ruth Ann Miner (D).

''We urge the United States Congress not to take any action that would have the effect of undermining or undoing the legislative and administrative moratoria that have protected our shore from the risk of drilling for 25 years.''—Connecticut Governor M. Jodi Rell (R).

''Any pollution associated with offshore drilling incidents could easily spread from one state to adjacent states that have chosen to ban exploration and production. This would expose Maine's coastal ecosystem and economy to unacceptable levels of risk from potential drilling and associated accidents over which we would have no control.''—Maine Governor John E. Baldacci (D).

''New Jersey and its elected officials—at the federal, state and local levels—have demonstrated their leadership on coastal protection, whether by enacting land use laws to preserve our shoreline, working for sustainable management of our fishery resources, protecting endangered marine and other species, or leading the fight to end ocean dumping of human and other wastes. We must, once again, stand united against this latest threat to our shore ecosystem.''—New Jersey Governor Jon Corzine (D).

Ms. LANDRIEU. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to add 5 minutes to the time I was allocated, so it would be 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I say to my colleague, Senator LANDRIEU——

Mrs. MURRAY. Mr. President, if I could ask unanimous consent that following the Senator from Idaho—I believe right now the Senator from California is to be followed by the Senator from Idaho—I ask unanimous consent that following the Senator from Idaho, I be allowed 15 minutes, and that following me, the Senator from Massachusetts be allocated 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. Thank you, Mr. President. I trust my 15 minutes will start at this point.

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. Thank you so much.

Mr. President, I say to my colleague Senator LANDRIEU, I think she made a very clear statement about where we stand on oil drilling in this country. And she is so right. A narrow bill passed here that is going to help her State. It is going to help the country. It stays away from the hot-button issues. It stays away from the California coastline, which Republicans and Democrats in our State are united in saying we need that coastline protected for our economy. It is quite different than my friend's. We respect each other, and we understand it.

So what she is simply saying to the House is: We want to do something. We do not want to be a do-nothing Congress. Let's do something. Let's do the bill the Senate crafted, which again, I say to the Presiding Officer, you were involved in.

Just before she left the Chamber, I wanted to say how strongly I appreciate her explanation of where we are.

AGRICULTURAL EMERGENCY

Mrs. BOXER. Well, Mr. President, we have a very narrow bill before us, the border fence bill, which we cannot broaden; and that is why I opposed cloture on that bill. I do not oppose building a fence where you need to do it, where the border is porous. I do not have a problem with that. What I have a problem with is this narrow approach to the immigration issue which precludes us from truly fixing our problems.

We are ignoring a lot of problems in this Congress, but I will tell you what is emerging as an enormous problem, and that is, the problem that farms are having all across this country because we have neglected to take care of the issue of farm labor.

In California, our farm community is in serious trouble. I sat with my dairy folks, my ranchers, my farmers. We grow over 80 crops in our State. Senator FEINSTEIN was eloquent in laying out how huge an industry it is. These are folks who never come to me with fear in their eyes. They are frightened because their crops are dying on the vine and in the fields across the State of California, and from what I have heard, in other States as well.

This is tragic for us. We could lose these farmers. We could lose agriculture. And we have a chance—Senator CRAIG, Senator FEINSTEIN, and I, and others, have teamed up and said: Let's use this opportunity to broaden our approach. Senator KENNEDY, of course, was the first to craft a comprehensive piece of legislation, which we voted out of here.

Now, I do not understand—I spoke with Senator FRIST, and he seemed to acknowledge there is a problem—why we cannot permit as part of this fence bill a very simple emergency piece of legislation that will sunset but just says let's make sure our agriculture community can survive, can continue.

Let me show you a photograph of one of my constituents looking at her crop of pears, which is rotting on the ground. You look at her face, and you see what this means to her.

Let me tell you what it means to the people of our Nation. We export these fruits and vegetables all throughout the Nation and, of course, throughout the world. It is going to mean higher prices, that decreased availability of products. But this Congress will not let us address this issue.

To the Republican leadership, I beg you one more time—and even some in your own party are begging you—we have to do more than one thing at a time. You have to take the problem and solve it. So this whole notion of we will take care of the fence first, and in a few years we will take care of something else—let me tell you, these farmers cannot last. They are facing economic disaster.

As I said before, this is not a Democratic or Republican issue. I can assure you that the people who have come to see me are part of the Republican base. They are perplexed. They do not understand it. They are the owners, entrepreneurs, the family farmers, the large farmers, and they have come together with labor. It was intense to get the two sides together. It started in the late nineties.

I remember when Senators CRAIG and KENNEDY came with great excitement and said that we have a deal between labor and management, everyone supports AgJobs. We went out to the floor and we have more than 60 votes for this. Yet because of the maneuvers on the floor by the Republican leadership, we cannot offer the AgJobs bill. No one can explain it to me.

Republicans are facing the charge of being a do-nothing Congress. We want to do something for our farmers. We want to help you. Let's please take care of our farmers. Take care of this woman who is looking at her whole life disappear in front of her because she doesn't have enough labor to pick these pears.

The United Fresh Produce Association wrote Senator FRIST a letter. It has a headline that I have never seen in a letter:

Farmers to Congress: Support a Safe and Secure American Food Supply, Pass an Immigration Fix Before the Election of 2006.

These are people who don't really get that involved in politics, but they get it. They know an election is coming, and they are sending us a message to fix this. Further, they say:

A safe and domestic food supply is a national priority at risk. With real labor shortages emerging, agriculture needs legislative relief now. The choice is simple: Import needed labor, or import our food.

What they are saying is, at the end of the day, we will not have a safe, secure, and healthy food supply. This is not the time, it seems to me, that we want to lose that. With all of the talk about terrorism—and we all fear it—we want a safe food supply. We don't want to have to depend on food coming in from other places. We want to depend on our farmers and their great history and their great legacy.

We also will lose three to four American jobs for every farm worker job. Mr. President, I will say that again. We will lose three to four American jobs for every farm worker job.

They say:

Any solution must recognize agriculture's uniqueness—perishable crops and products, rural nature, significant seasonality, and nature of the work.

Building a fence is not going to help our people. I am not against it; I voted for it. It is not a problem to me to build a fence. But don't come out here and say: Aren't we great and doing something; we are building a fence and now everything is fine. That is hogwash.

We must pass an AgJOBS bill, and we can do it today. Our farmers and our

ranchers are begging us to do it. They need a solution. Our farm economy in some areas is becoming paralyzed. I showed you Toni Skully. They were unable to harvest 35 percent of their crop. This is what is happening all over California. I have been told it is also happening to my lemon growers in San Diego. They are experiencing a 15- to 20-percent harvest loss. Avocado farmers in Ventura County are worried about workers for the December planting season. Tree fruit growers in Fresno County have seen the labor force decrease by as much as 50 percent. In Sonoma, as many as 17,000 seasonal farm workers have not returned to work in the fields.

Again, I don't have a problem with the fence. We need to build it where we have a porous border. But that doesn't help our people.

Agriculture is a $239 billion-a-year industry, and if we refuse to provide a solution to labor shortages now, we are jeopardizing our domestic economy and our foreign export market. We are driving up production costs that get passed on to consumers. Our consumers are already having trouble with health care costs, with gasoline costs, with college tuition—oh, and now they are going to have problems putting food on the table.

This is not the time to turn away from our farmers. All of this is happening for absolutely no reason. There is no problem in allowing us to proceed with this amendment to offer AgJOBS. I have been on the AgJOBS bill, probably since 2000, 2001, and we continue to have strong support for it. But, again, because this Republican Congress can, apparently, only do one thing at a time, when it comes to immigration, we are precluded from offering this amendment.

Mr. President, my farmers are proud, as are yours. My ranchers and my dairy families are proud. They don't ask for much. But when they came to meet with me—and they have come several times—and I saw the look on their faces.

I said: What is it?

They finally said: You have to act.

I said: The fence bill is coming up.

They said: Maybe that is a chance now. We can get AgJOBS attached to it.

I went to Senator KENNEDY, and I said to him at a caucus luncheon: They are bringing up the fence bill, so why don't we move forward?

He said: I am working on it, and I hope we can have a comprehensive approach. A lot of people care about this.

Apparently, there are not enough Republican leaders who care about it because we are being told there won't be an amendment for AgJOBS. This is certainly a place where Democrats and Republicans should come together. I simply don't understand why they allow our farmers to suffer, to worry, to wonder, to lose money, and then they have to come to us and ask for emergency help. They don't want emergency help.

AgJOBS is supported by United Fresh Fruit and Vegetable Association, the Agricultural Coalition for Immigration Reform, the National Council of Agricultural Employers, the Western United Dairymen, the California Grape and Tree Fruit League, California Citrus Mutual, the California Strawberry Commission, the California Association of Wine-Grape Growers, and the California Canning Peach Association.

The AgJOBS bill has pulled together both the owners and the workers. I thank Senators CRAIG and KENNEDY for doing that. All they need is for us to do our job. The Senate is choosing to neglect a major sector of our Nation's economy—a bill supported by 62 Senators.

Again, the farm community has been a traditional Republican stronghold. So this isn't even good politics. I say to my friends it is bad politics, and it is bad policy. At the end of the day, we can still insist that Senator FRIST allow us to offer the Craig-Kennedy-Feinstein-Boxer measure, and all of us who care about this bill have a chance to do it. We don't want lip-service. We don't want calming talk. We want action. We want action now. We want to help the farmers, the consumers, the workers.

We don't want to see another industry fall apart right beneath our noses. We have enough problems going on with people losing their health care, they cannot afford college, and the housing market is in a precarious situation. Why would we not come together and take care of this important constituency?

In closing, a headline from last Friday's New York Times reads:

Pickers Are Few, and Growers Blame Congress

And they should blame Congress. Pretty soon it will be consumers blaming Congress, and they should. So let's get our act together. Let's get it done. Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, under the unanimous consent, the Senator from Idaho is next, but he is not on the Senate floor. I ask unanimous consent that I may proceed next in line.

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

APPROPRIATIONS

Mrs. MURRAY. Mr. President, I rise this afternoon as we go into the last hours of this session, before we are apparently going to adjourn for an entire 5 or 6 weeks, until after the election, to join with my leader on the Appropriations Committee, Senator BYRD, who spoke earlier today, and explain how the Republicans' failure to act on the annual funding bills is going to hurt all of our communities.

As Senators, we have a job to do in passing the annual spending bills that fund essentially all of our Government. It is one of the most basic responsibilities we have. On the Appropriations Committee, under the leadership of Chairman COCHRAN and Ranking Member BYRD, we have done our job. But on the Senate floor, the Senate Republican leadership has blocked our progress.

American families are going to pay the price. When I go home and talk to constituents in my State of Washington, they tell me they want our country to be strong again. The way that we can be strong again is to invest at home. That is what I have been fighting to do on the Appropriations Committee. But now the Republican leadership is refusing to allow us to move forward on the investments that we have agreed on in a bipartisan way in the Appropriations Committee. In fact, they are not even allowing us to debate making those investments. That is how wrong I see the priorities by this leadership.

Some people may suggest that if we pass this continuing resolution, everything is going to be fine. I hear the claims that there is no real difference between passing the bills we have worked so hard to put together and just putting our Government on autopilot for a couple of months. Nobody should believe that. It is simply not true.

There is a real cost to failing to act on the appropriations bills. This country is going to pay a price in airline safety. We are not going to be able to rapidly hire the air traffic controllers or safety inspectors we need. We are going to pay a price in highway safety because we are not going to be able to rapidly reverse the high increase in traffic fatalities. We are going to pay a price in the fight against terrorism. We are not going to be able to fund the Treasury Department's efforts to stop terrorist financing. We are going to pay a price in educating our kids, improving our communities, and training our workforce.

Almost everywhere you look, we are going to pay a price if the Republican leadership succeeds in blocking action on the annual appropriations bills.

I want to share some specific examples. First, I will say a word about why this is happening. It is not because of partisan gridlock or because we have not had enough time to act. All of our bills have been ready to go since August. It is because this Republican leadership does not want to have a public debate about America's priorities just weeks before an election. I suspect it is because they realize their priorities are out of step with the American people.

There may be another reason to stall these bills. It hides the true cost of their wrong priorities. When we bring these bills up on the floor, we have a chance—all of us in America—to see what is funded and what is not. We have a chance to offer amendments and debate about priorities that deserve more support. By blocking that debate,

the Republican leadership is hiding the true cost of their policies. Just as they have used supplemental spending bills to hide the true cost of the war, they are failing to act on the annual spending bills to hide the cost of their misplaced priorities. They prefer to mask from the voters the tough funding choices their policies will require.

They prefer to deny almost three-quarters of this Senate the opportunity to have any input on the appropriations bills by sending these bills directly from the committee to a conference. They prefer to set up an end-of-the-year train wreck that will require a massive Omnibus appropriations bill that will shortchange America's needs with a minimum amount of debate.

I personally thank Senator BYRD for taking the time this morning to call this issue to the attention of the entire Senate, as well as to the entire Nation. I thank our committee chairman, Senator COCHRAN, for his very capable leadership of our committee. I only wish Senator COCHRAN was in power to control the floor schedule and not just the committee schedule.

Last year, Senator COCHRAN surprised many of us and earned the respect of all of us in doing what seemed impossible: he succeeded in sending 11 appropriations bills to the White House for signature. He showed us how it should be done.

This year, when it came to the management of our committee, Senator COCHRAN actually improved on last year's record. Last year, the Appropriations Committee reported all but one appropriations bill to the Senate floor before the August recess. This year, Chairman COCHRAN saw to it that each and every one of our appropriations bills was reported to the Senate floor before the August recess. That involved a lot of very hard work and some very long markups. No one worked harder than Chairman COCHRAN himself.

Unfortunately, this year, the Senate Republican leadership didn't share Chairman COCHRAN's commitment. That is a change from last year. Last year, the Senate Republican leadership saw to it that all 12 appropriations bills were considered on the floor prior to adjournment. Today, we are just a few hours away from the beginning of a very long fall recess, and yet the Senate Republican leadership has seen fit to call up only 2 of our 12 appropriations bills that the committee reported back in June and July. That record is shameful.

The full Senate has only debated two funding bills this year—Defense and Homeland Security. They are certainly really important, but they are just 2 of the 12 bills that we are charged with passing.

The others are critically important as well. Those bills ensure that the care of our veterans returning home from Iraq is met. They ensure that we educate our children, that we meet the housing needs of the people we represent, and that we deal with the health care of all of our families, particularly our seniors. Those bills support our efforts to fight crime and drug abuse, provide disaster assistance to struggling family farmers, and invest in our roads, our bridges, and our rail system.

It seems, as far as the Republican leadership is concerned, that those issues this year can rot on the vine. According to their plan, these functions of Government will be subjected to a continuing resolution that guarantees them only the lowest possible funding level.

I have had the privilege of serving on the Appropriations Committee for every one of my 14 years in the Senate, and I am certainly aware that Congress does not have a great track record when it comes to finishing all the appropriations work before the beginning of a fiscal year. But in my 14 years, I cannot remember a time when the Senate has made so little progress in executing its most basic responsibilities. The new fiscal year starts this coming Saturday, tomorrow. I had my staff go back and check the record, and I can tell my colleagues that in the last 14 years, we have never begun a new fiscal year having passed as few as two of the appropriations bills out of the Senate. This year, we have a deplorable record.

Looking forward, we are now hearing rumors that the other 10 appropriations bills are never going to come to the Senate floor for debate. We are hearing rumors they are going to be sent straight to a conference with the House of Representatives to put together some kind of massive omnibus appropriations bill. I hope that is not the case. That approach, frankly, is an insult to the 72 Members of this Senate who do not serve on the Appropriations Committee. As a member of that committee, I had the opportunity to review each of those bills the committee reported. I had an opportunity to offer amendments in committee and full committee markups, but 72 of my Senate colleagues never had that opportunity.

Those 72 Senators were elected by the people of their State to oversee and influence decisions regarding the way their tax dollars are spent. By denying these 72 Senators the opportunity to debate these important bills, the Senate Republican leadership is denying those Senators' constituents the right to be heard. That is not the way this Senate ought to be doing its business.

Our country will pay a high price if we fail to act on these appropriations bills.

Some people are claiming it doesn't matter when we get around to actually finalizing the appropriations process. Mr. President, as the ranking member on the Appropriations Subcommittee on Transportation, Treasury, the Judiciary, and HUD, I want to tell my colleagues that it does matter. I will give a couple of examples.

Last month, we experienced a tragic plane crash in Lexington, KY. The NTSB has not yet reported to us on the actual cause of that crash, but it was revealed that the air traffic control tower at Lexington had only one controller on duty—one controller on duty—contrary to the FAA's own policy. When this incident occurred, it was discovered that several other towers were also operating with only one air traffic controller.

Everyone involved in aviation policy knows the FAA needs to hire more controllers. They have to fill the vacancies, and they have to replace a growing number of retirees. There is money in the FAA budget to hire more controllers. We put the money in the House and Senate appropriations bills to hire those controllers. But until the FAA Administrator gets a final budget, she won't know how many controllers she can hire or how quickly she can hire them. This is a basic issue of safety and people's lives. But it is the safety issue that the Senate Republican leadership is now happy to have wait on the back burner for a few more months.

A similar situation existed in the hiring of more air traffic safety inspectors. We desperately need more safety inspectors to ensure that our financially strapped airlines are operating safely. An increasing amount of airline maintenance for U.S.-flagged airlines is now being conducted overseas. We need inspectors to visit those foreign repair stations to make sure all of the appropriate procedures are being followed.

Just this week, the National Academy of Sciences reported that the FAA needs to modernize its system for determining how many inspectors they need and whom to hire. But the FAA cannot address any of those deficiencies until it gets its final budget for the year. This is just another safety issue that the Senate Republican leadership is now happy to have wait on the back burner for a few more months.

The Republican leadership's failure to act could also hurt our efforts to fight terrorism. The Treasury Department has a critical role in combating terrorist financing. They are on the job morning, noon, and night trying to interrupt the cashflow between the terrorists and those who fund them.

Ever since 9/11, the Treasury Department has been seeking increased resources from our subcommittee to fight terrorist funding. Our subcommittee has provided every dollar the Treasury Department has requested, including the funding for increased personnel and infrastructure for fiscal year 2007.

The Treasury Department is now being told that the increased funding they had asked for will have to wait a few more months. Why? Because the Senate Republican leadership doesn't want us to debate the Transportation-Treasury bill before the election.

One of the issues being discussed in the closing days of this session is the

security of our courts and our judges. An effort is being made to provide authorization for additional court security in the Department of Defense authorization bill. The brutal murder of a father and mother of a Federal judge in Chicago showed us the urgent need for better security.

The Transportation-Treasury appropriations bill, as passed by the House and Senate committees, included sizable increases for that court security. We are not talking about an authorization; we are talking about cold, hard cash that will go out to better protect our judges. But you know what. That money can't go out until our appropriations bill is signed into law, and that can't happen if the Senate Republican leadership slows this appropriations process to a crawl.

Finally, I want to talk about the critical need for improved safety on our highways. One month ago, our Nation received a wake-up call from the National Highway Traffic Safety Administration.

For many years, our country was making steady progress in reducing the overall fatality rate. But last month, the fatality rate on our highways started to move back up. Deaths from motor vehicle crashes jumped up 1.4 percent over the level in 2004. We had 43,443 deaths on America's highways in 2005. That is the highest number since 1990.

We also have begun to see a number of road fatalities involving large trucks head back up. We made progress between 1998 and 2002, but since that time, the number of large truck fatalities is moving in the wrong direction.

More and more people are dying on our highways, and Congress is working to respond. There are increased levels of funding, consistent with the SAFETEA–LU authorization law—both for highway safety and motor carrier safety in both the House and Senate appropriations bills. But those additional resources that save lives on our highways have to wait. Why? Because the Senate Republican leadership didn't want to debate this Transportation appropriations bill before this election.

These decisions by the Senate Republican leadership to stall the appropriations process can and are having very real consequences.

I want to state today my deep disappointment that the Senate Republican leadership has done such an abysmal job in fulfilling its most basic responsibility to fund our Government.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. MURRAY. I ask for 1 additional minute.

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

Mrs. MURRAY. Mr. President, it doesn't have to be this way. Rather than spending the month of July and September debating bills for political reasons, we could have been debating these appropriations bills that are critically needed for the Nation's safety and security. We could have been fighting for the people we represent. We could have been meeting their basic needs, protecting their livelihoods, and ensuring their safety. But our leadership said no, and now our families are paying a price.

I think the Senate deserves better, but more importantly, the people we represent deserve better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

EXTENSION OF MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that the period for the transaction of morning business be extended until 3:30 p.m. today, with time equally divided in the usual form, and the order of speakers remain in place.

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

AGJOBS

Mr. CRAIG. Mr. President, I will be brief because I have already spoken on the issue with Senator FEINSTEIN of California earlier before the noon hour. I did want to come back and conclude my concerns.

My original cosponsor, Senator KENNEDY, is in the Chamber. He and I worked collectively on the issue of a guest worker program for this country that would create a legality, a transparency, and a reasonableness to the management of it in a reformed H–2A worker program that he and I worked on and shaped and which became known as AgJOBS, along with how we dealt with the issue of those in the country today who are illegal and who remain a critical part of the American workforce, and especially with agriculture, an industry that has become increasingly dependent upon migrant workers, guest workers and, in this instance, tragically enough, illegal workers. Let me cite a couple of examples because I, like Senator FEINSTEIN and others, Senator BOXER; the State of California, the State of Idaho, the State of Oregon, the State of Washington; in fact, the State of the Nation where agriculture exists today—the Presiding Officer, Senator MARTINEZ, has just gone through a situation in the State of Florida where literally millions and millions of dollars' worth of oranges have rotted simply because they couldn't find the hands to pick them to put them through the process of packing and distribution.

America's agriculture is dependent on hand labor. When we think of agriculture in the Midwest, we think of large machines doing all the work. It is simply not true. In the fruits and vegetables and nuts areas and many of the varieties of fruits we find abundant upon the supermarket shelves of America, we are dependent on hand labor, and that hand labor over the last many decades has become predominantly foreign labor and, tragically enough, it has become illegal foreign labor. But because of a failure of government—and it is important I say this: It is not American agriculture's fault. It is a failure of government to appropriately and necessarily police our borders and devise and cause to work a reasonable, flexible, transparent guest worker program that brings us to the crisis American agriculture is beginning to experience as we speak.

The Senator from California spoke earlier of the literally billions of dollars' worth of crops that are going to be left in the fields of the greater San Joaquin Valley of California this year because there is no one to pick them.

I am always frustrated when it happens in my State that some of my citizens say: LARRY, we have all these people on welfare. Get them out and get them to work. Well, we reformed the welfare program dramatically, and literally millions of people who were once on welfare are working. We are at full employment in our country today. That means those who can and will are working. In my State of Idaho, we are almost beyond full employment. Finally, finally, after fairly heavy criticism for what I was doing to lead an area of immigration reform that was critical to my State, and much of that criticism came from my State, now Idaho agriculture is beginning to step up and say: My goodness, where are these workers we have grown to depend on?

We believe we are 18 to 20 percent underemployed in the State of Idaho. That means our packing sheds this fall and some of our produce, our fruits, and our vegetables have not and will not get harvested. Our potato industry is beginning to feel the impact of fewer people there to help them, and as a result their timely harvest and their timely packing simply will not occur.

So whether it is Idaho or California or Florida or anywhere else in the Nation, American agriculture exists. Whether it is with the nursery industry or the landscaping industry, they too are now experiencing the great difficulty of this country doing what it should have done a long time ago; that is, control its borders.

The shortages today are a result of our southern border beginning to close. We have made a commitment to the American people that we will secure that border. Part of the debate which will occur this afternoon when we get back on the fence bill will be that kind of debate: how we can further secure our borders. But if you only secure your borders and you do not create a legal and transparent program by which foreign nationals can enter our country to enter our workforce legally, then we will create an economic schism in this country that is, without question, real. It is showing up in agriculture today because agriculture has historically been a threshold economy

for a foreign worker. They come here, they work in agriculture for a couple years, they move out, and they move on to the service industry, the construction industry, the homebuilding industry.

In part, with our borders now tightening and the nearly $2 billion a year we are spending on that security and that increasing security, they have moved out of agriculture and there is no one to move in. Also, the displacement occurred after Katrina when many of that level of worker left the fields of agriculture and went south into Mississippi and Louisiana to help with the cleanup down there. In fact, many Mississippians and Louisianans will tell you that if it hadn't been for migrant workers and, in this instance, illegal workers, we wouldn't be as far along with the cleanup and the beginning of the rehabilitation of what has gone on in the tragic area affected by Katrina.

Mr. President, when we proceed to the fence bill, I am going to attempt to bring up AgJOBS. I am going to ask unanimous consent that the Senate allow us to do that. I don't know that it will happen. It probably won't. But I think it is important for America and agriculture to see we are trying. Because one of the quotes I handed in earlier when I asked unanimous consent for some material to go into the RECORD, along with the letter Senator FEINSTEIN and I sent out to our colleagues, was, I thought, a necessary and appropriate headline from an article that talks about the impact of what is going on across agricultural America. It says: ''Pickers are Few, and Growers Blame Congress.'' And the growers ought to blame Congress. They ought to blame a government that has been dysfunctional in the area of immigration for decades.

That is why I began to work on this issue back in 1999 when American agriculture came to me and said: Senator, we have a problem, and we know it is a problem. We don't like it. We want to be legal. We want our workers to be legal, and we want to treat them justly. But the workers, by their effort to get here, are being treated unjustly. We know they are not legal, and yet we are nearly wholly dependent upon them.

I had hopes that we could keep the cart and the horse connected appropriately. There is now a very real disconnect occurring—a disconnect between the security of the border, which is critical and necessary, and a legal process by which those workers can move through that secured border to the farms and fields of American agriculture. I don't know what it is going to end up like at the end of the harvest season across America, but my guess is—and it is now being predicted—we could lose $4 billion or $5 billion or $6 billion at the farm gate, and of course there is the multiplier then beyond the farm gate to the processing, to the distribution, and to the supermarket. We all know what happens when it gets to the supermarket and there is less of it: the American consumer is going to pay double the price for that produce that simply was left in the fields to rot.

Now, that is what is going on now. When we get back in November, we will have accurate figures—this Congress isn't going to deal with it—and we will know whether it was $3 billion or $4 billion or $5 billion or $6 billion, and shame on us, because the Senator from California is right. We could deal with it today. The bill has been well heard. The bill has been appropriately vetted. It has been around a long time. It has been accepted by 60 Members of this body. But we are now politically bound up until after the American people speak in the election, and then we will find out how much further we can move on this issue.

So we will know in November about the harvest of September and October. What about the winter months? What about the farmer who is now going to go out into the field in January to plant for a February or March fresh vegetable crop across Florida, parts of the South, certainly Arizona, the Imperial Valley of California, where last year we left over $1 billion of fresh green vegetables in the field? I will tell my colleagues what the farmers are telling me, and it is a tragedy if it happens, but it probably is going to happen. Senator, they say, if we can't plant that fresh vegetable crop that requires hand labor, we will plant winter grain. We will simply go to the fields and plant a crop of phenomenally less value to the American agricultural market, in the intensive sense, because we know it isn't going to require hand labor. One farmer told me: If I can't have the labor come to me, I will go where the labor is. So he is moving his operations out of California. He is headed to Brazil. He is headed to Argentina. There goes that economy, there go those jobs, because this Congress could not understand and function in an appropriate fashion.

So be it. That is the tragedy of it. I had hoped we could think differently. We need a legal workforce. We need a reformed H–2A program. We need a guest worker program. We worked out those differences amongst ourselves. Some have agreed, some have not agreed, but we have attempted to resolve the problem.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CRAIG. Mr. President, in closing, I am going to give the Senate one more opportunity to say no because it is important that the RECORD show where we are because history and this month will dictate where we need to go in November.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

BIOTERRORISM

Mr. KENNEDY. Mr. President, a short while ago on the floor of the U.S. Senate, my friends and colleagues on the Health, Education, Labor and Pensions Committee, our chairman, Senator ENZI, and Senator BURR brought to the Senate's attention what we call the bioterrorism BARDA legislation, S. 3678. I am a strong supporter of that legislation. I believe that legislation provides a rather unique process by which outstanding opportunities for breakthroughs in vaccines and other medical technologies can be developed and furthered. This can be enormously valuable and helpful against any bioterrorist threats, pandemic flu, or other kinds of diseases or pandemics we might face in the future.

There are several of our colleagues who want to have an opportunity to improve and strengthen that legislation. Obviously, they are entitled to do so. But I want to underscore the strong work that has been done to date by our chairman, Senator ENZI and also by Senator BURR in developing this legislation. The BARDA concept is very close to what was done a number of years ago with DARPA, the Department of Defense's advanced research program, which has demonstrated enormous success in finding new technologies that are used by the military. It is a very commendable concept and offers us great hope down the line.

This legislation also recognizes that we are going to develop capacity to contain whatever danger there may be in local communities by strengthening support for hospitals, containment, and the public health infrastructure. Prevention, detection, containment, and support for the health facilities, are all interrelated—they are enormously important.

So I hope that as soon as we return in the lame duck session, this will be a first order of business. I have talked with our leader about this issue. I look forward to, in the course of these next few weeks, talking to some of our colleagues who have offered amendments to see how we might be able to proceed, even in this limited amount of time, to ensure that we have effective legislation.

SECURE FENCE ACT

Mr. KENNEDY. Mr. President, on a second matter, the issue which is currently before the Senate—I know we are in a period of morning business, but the underlying issue is the Secure Fence Act of 2006.

I listened to my friend and colleague from Idaho speak very eloquently about the AgJOBS bill. I enjoyed the opportunity to work with him in helping to fashion that legislation. We worked very closely together and were able to convince our colleagues on the Democratic and Republican side of the value of this legislation.

It demonstrates very clearly a problem we are facing with the underlying bill, which is called the Secure Fence Act of 2006. Rather than focusing on comprehensive legislation to deal with

the immigration ordeal with the AgJOBS bill, as the Senator has mentioned, which would be valuable and very important in terms of the agriculture industry and also providing important protections for the workers themselves—a compromise that was worked out over a period of years—we are effectively saying no, we are not going to deal with that. We are just not going to deal with it. The leadership has decided they won't have an opportunity to deal with it, even though there are more than 60 Members, Republicans and Democrats alike, who would like to deal with it.

I join comments that have been made by the Senator from Idaho, but also by my friends Senator BOXER, Senator FEINSTEIN, and others. We are going to have the time here this afternoon. As Senators pointed out, this is legislation which is understood and which is very important. One cannot pick up the newspapers without reading the adverse results of our failing to act. This is something we should be addressing as an amendment—I think it is much more valuable than the underlying legislation, but we certainly should have had the opportunity as an amendment.

On the issue of the Secure Fence Act, immigration reform is one of the most pressing issues we face today. It is a security issue, an economic issue, and a moral issue. President Bush told us that it was a top domestic priority.

Many Members in the Senate understood the importance of the issue and devoted an unprecedented number of weeks to hearings, markups and extensive floor debate to this priority. In May, the Senate passed a historic bipartisan bill supported by 64 Senators.

The House however passed a very different bill last December one that has been roundly condemned as cruel and ineffective by religious leaders, Latino leaders, and immigration and security experts. It focuses only on enforcement and makes it a felony for any Good Samaritan to help immigrants. As one religious leader described it this week, you could go to jail for giving an undocumented immigrant a cup of water in Jesus' name.

What's more, the bill does nothing about the 12 million undocumented immigrants who are here already, and it does nothing about the Nation's future immigration needs both vital ingredients to an effective immigration policy.

Common sense tells us that enforcement alone is not the solution to today's complex immigration challenges. We can build fences, but people will come around them. We can put high tech devices on our borders and they will deter some people, but we all know that many others still will find a way to come. We can make criminals of the pastors and priests who help immigrants, but that is not only contrary to our values, it will have little impact on immigration.

The logical next step would have been for Congress to appoint conferees so we could begin negotiating a compromise. That is what we do—pass a Senate bill and pass a House bill. Then conferees are appointed from both Houses to reconcile their differences on the bill. That is what Congress does on critical issues.

But, instead of rolling up their sleeves and doing the work necessary to get legislation to the President's desk that deals with the key elements of the immigration problem—that will bolster national security, ensure economic prosperity; and protect families—the Republican leadership in the House frittered away the summer, preferring to embark on a political road show—featuring 60 cynical one-sided hearings, and wasting millions of precious taxpayer dollars. And after the bunting came down and the klieg lights were removed, after all the political hoopla and hot rhetoric, what did they produce? A fence.

Did they do anything about the millions of people who come here on airplanes with visas, and stay here illegally after their visas expire? No. Just a fence.

Did they do anything to ensure that employers don't hire people who are here illegally? No. Just a fence.

Did they do anything about the 12 million undocumented immigrants who are here already, living in the shadows while working hard to support their families? No. Just a fence.

Yes, Republican leaders wasted time, opportunity, and your money. For a $9 billion fence that won't do the job.

That is just a bumper sticker solution for a complex problem. It's a feel good plan that will have little effect in the real world.

We all know what this is about. It may be good politics, but it's bad immigration policy.

That is not what Americans want. They deserve something better than a fence.

Over and over and over again, the American people have told us that they want our immigration system fixed, and fixed now. They have told us that this complex problem requires a comprehensive solution. The American people want tough but fair laws that will strengthen our borders and crack down on employers who hire undocumented workers, but at the same time provide a practical solution that will allow undocumented immigrants to become taxpaying legal workers who perform tasks needed by our economy.

Today or tomorrow, this Republican Congress will recess for the elections, and leave this issue still unresolved.

I hope that we can use the next few weeks productively to work together on compromises that can be adopted when we return in November.

What is the solution? How do we control our borders effectively? How do we restore the rule of law and make sure that immigrants come to this country with a visa, not with a smuggler?

The bipartisan bill passed by the Senate is the only practical way to cure what ails us. The only way we can truly bring illegal immigration under control and achieve border security is to combine enforcement and border protection with a realistic framework for legal immigration.

It's obvious that we have insufficient legal avenues for immigrant workers and families to come to this country, and no path to citizenship for the 12 million undocumented workers and families already here. The problem is fueling a black market of smugglers and fake document-makers, to the peril of citizens and immigrants alike.

Rather than saber-rattling, chest-thumping, and ranting, the American people would like to see both parties and both Houses of Congress come together to negotiate a realistic and enforceable policy for immigration.

Piecemeal proposals won't work. They will only make a bad situation worse. Those who are here illegally will not leave, but will go deeper underground, and those seeking to enter will take even more dangerous routes and be less likely to survive. Employers will have an unstable workforce of men and women who are afraid to speak up when abused. The dysfunctions and pathologies of the current failed system will continue to worsen.

On this specific proposal for a fence, let's consider the facts:

Never mind that months ago the Senate voted to approve a 370-mile fence exactly what Secretary Chertoff said he needed for targeted urban areas.

Never mind that the Senate has voted to fund the fence Secretary Chertoff requested. It is in the appropriations bill for the Department of Homeland Security that we will pass this afternoon.

Never mind that DHS has not requested additional fencing. Last week, in promoting his ''Secure Border Initiative'', Secretary Chertoff said, ''What we are looking to build is a virtual fence, a 21st century virtual fence . . . one that does not involve old-fashioned fencing.''

Never mind that fencing is manpower intensive—you need border patrol agents to continuously monitor them to apprehend illegal crossers. But this bill will require DHS to construct up to 850 miles of fencing in remote, desolate areas, in desert and wilderness areas, and even across rivers—where it will serve no security purpose whatsoever.

Never mind that it will cost billions of dollars. The Congressional Budget Office estimate the cost at roughly $3 million a mile, which may be on the low end—the first 11 miles of the San Diego fence cost $3.8 million a mile and the final 3.5 mile section cost approximately $9 million a mile.

As the Congressional Research Service recently noted, the costs may be even higher. You need to take into account the terrain, land acquisition, environmental planning, private contractors, double layering, fence design, procurement costs and a number of other factors. We also can't forget the annual

maintenance costs, which could be as high as $1 billion a year.

Never mind that fences don't work. Undocumented immigrant entries have increased tenfold since the strategy of fencing was introduced in the mid-1990s. Since that time, the probability of apprehending an unauthorized border crosser fell from 20 percent to 5 percent. The United States now spends $1700 per border apprehension, up from $300 in 1992. San Diego's wall has been a boon for the smuggling industry, and increased the loss of immigrant lives by shifting entry to the desert.

Never mind that fencing will do nothing to stop the 40–50 percent of the people currently in the United States who entered the country with legal visas and have now overstayed their visas.

Never mind that fences won't keep out criminals or terrorists. The 9/11 terrorists didn't come across the Mexican border illegally—they entered the U.S. with visas.

Never mind that fences won't stop immigrants from coming here to work. As Governor Napolitano of Arizona recently said:

> You show me a 50-foot wall and I'll show you a 51-foot ladder at the border to get over it.

Narrow, shortsighted, enforcement-only proposals like a fence will never fix our broken immigration system.

We should listen to Tom Ridge, former Secretary of Homeland Security, who recently said:

> Trying to gain operational control of the borders is impossible unless our enhanced enforcement efforts are coupled with a robust Temporary Guest Worker program and a means to entice those now working illegally out of the shadows into some type of legal status.

A group of former high-ranking government officials has said unequivocally:

> The reality is that stronger enforcement and a more sensible approach to the 10–12 million illegal aliens in the country today are inextricably interrelated. One cannot succeed without the other.

President Bush agreed. In May, he got it right when he declared:

> An immigration reform bill needs to be comprehensive because all elements of this problem must be addressed together, or none of them will be solved at all.

What the Republican leadership doesn't seem to get, is that comprehensive immigration reform is all about security: Homeland security; economic security; family security.

That is what the vast majority of our people want. They want realistic solutions that effectively protect our Nation. They don't want piecemeal, feel-good measures that will waste billions of precious taxpayer dollars and do nothing to correct the serious problems.

What can we expect in the next month?

The Republican leadership has two choices. They can bring us together to work out effective compromises for a comprehensive bill.

Or they can continue to use hard working immigrants as political pawns for November's elections.

I hope that they will not choose the politically expedient choice—to embark on another slanderous campaign, featuring more political stunts, misleading press releases, and glossy campaign ads about how tough they are on the border.

The Chicago Tribune editorial page understands this tactic. Earlier this week they wrote that ''Immigrant bashing is so much easier than immigration reform.''

Sacrificing good immigration policy for political expediency and hateful rhetoric is not just shameful—it is cowardly.

We have the bill to solve this problem now.

We owe the American people a serious answer on the issue, and our Republican leadership should be held accountable for their inaction and their inability to address this pressing issue facing our Nation.

Let's stop this farce. Let's stop playing politics with immigration. We know they are wrong. Their scheme will leave us weaker and less secure. We can't allow them to derail our strong bipartisan reforms.

I urge my colleagues to choose good policy over political expedience and oppose this bill.

Mr. President, I ask unanimous consent to have printed in the RECORD a document that reflects the 50 organizations that are in opposition to this particular proposal. They include the LUCAC, MALDEF, La Raza, a great number of the religious organizations and others that have expressed their views about it.

Mr. President, I further ask unanimous consent to have printed a document that includes a number of editorials in the newspapers, editorials about the fence from the Atlanta Journal-Constitution, Idaho Statesman, LA Times, and Orlando Sentinel. Then the Tucson Citizen, the Waco Tribune—a number of editorials from around the country.

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

DEAR SENATOR: The Senate will soon consider H.R. 6061 PCS, the ''Secure Fence Act of 2006,'' which has erroneously been referred to as the ''fence bill.'' This bill goes far beyond the construction of border barriers. It provides unprecedented authorities to the Secretary of the Department of Homeland Security (DHS) ''to take all actions necessary and appropriate to prevent all unlawful entries into the U.S.''

The consequences of such an immense and vague mandate to the Secretary could result in policies and procedures that would adversely affect American communities at the Northern and Southern borders, and maritime states—wherever ''border'' might be defined. United States citizens and lawful permanent residents would not be immune to the consequences of the extraordinary powers granted DHS in this bill. We must remember that the border is not simply a delineation line; communities live along the border and their rights must be respected. Moreover, DHS must be held accountable for actions taken in these communities.

Finally, we question the wisdom of delegating such sweeping authority to a government agency. Numerous GAO and CRS reports to Congress cite accountability and management problems at DHS, showing that DHS requires the same Congressional and legal oversight as other agencies of the government.

H.R. 6061 is a broad bill with potentially harmful consequences for American communities. We strongly urge the Senate to oppose H.R. 6061.

Signed by over 50 organizations.

EDITORIALS WARN: NO HIDING BEHIND WALLS AND FENCES VOTERS WANT LEADERS WITH SPINE, NOT SPIN

Atlanta Journal Constitution (Editorial): 'Big fence' blunder: Immigration bill won't root out ills, but it'll fail voters. Put focus on jobs and legalization, as well as security, September 28, 2006

The only immigration proposal that stands a reasonable chance of clearing Congress this year is a sham aimed at deceiving voters in November.

The ''big fence'' bill—its centerpiece is 700 miles of real and virtual fences—is a law-enforcement-only approach that ignores the economic underpinnings that have led 12 million to 14 million immigrants to live and work in this country illegally. The bill won't fix anything.

Frist believes there is a chance for a lame-duck session that might pass some of the Senate's ideas for more comprehensive reform. But his position, and that of the chamber he leads, have been irreparably harmed by going along with the House's insistence that immigration is more about security than it is economics.

Tucson Citizen (Editorial): Our Opinion: Latest chapter in silly saga of border wall—A wall on the U.S.-Mexico border is meant to secure only one thing: the re-election of Members of Congress, September 28, 2006

The congressional pre-election ploy of pushing construction of a border fence to make voters believe something is being done about immigration reform is a farce.

''It's not going to deter people from coming across looking for jobs, people coming to work,'' said T.J. Bonner, president of the union that represents most Border Patrol agents.

Time, effort and money should instead be spent on something that will work—a comprehensive immigration reform plan that includes a guest worker program and a way to deal with the estimated 12 million people already in the country illegally.

Legislation passed by the Senate earlier this year deals with those issues. It's the way to deal with this complex issue.

Dallas Morning News (Editorial): Memo of Understanding Bush needs commitment on immigration, September 28, 2006

Before President Bush agrees to the border security measures Congress is rushing to put on his desk, he should make sure of one thing—that House and Senate leaders are committed to taking up the other critical parts of the immigration solution after the November elections.

Without that agreement, which can be struck in private if that's the only way conservative Republicans will sign it, Americans won't get a better answer to what to do about the 12 million illegal immigrants living here and 400,000 coming annually.

Otherwise, Congress can build all the fences in the world and place agent on top of agent, and still not stop illegal immigration.

The president is right: America can't solve its immigration challenge without a comprehensive answer. He's not going to get it unless he plays hardball.

Hartford Courant (Editorial): Immigration Politics, September 28, 2006

Senate and House Republican leaders might as well forget about immigration legislation before adjourning for the November election. The issue is important, but illegal immigration doesn't constitute an imminent national threat. The issue deserves dispassionate consideration that's absent in this election season.

Chicago Tribune: Border bashing, September 27, 2006

Many of the bits and pieces are already included in the Senate's bill, but they need to be balanced by measures that address the country's dependence on immigrant labor. Take that $2 billion border fence. Arizona Gov. Janet Napolitano has no confidence it would stop immigrants from crossing into her state illegally in search of jobs. ''Show me a 50–foot wall, and I'll show you a 51–foot ladder,'' she has said.

The Senate's comprehensive plan is rooted in reality. It would open channels through which enough workers could arrive legally, and it would offer a way for many of the 12 million who are already here to stay.

The House is having none of that, at least until after the election. Immigrant bashing is so much easier than immigration reform.

Orlando Sentinel: Barrier to success Our position: Building a fence along the Mexican border is not the answer to immigration reform. September 27, 2006

With the Senate considering a proposal to build a 700–mile fence along the southern border, the symbolism is obvious: Our leaders are squeezing themselves into a corner regarding serious immigration reform. The enforcement-only concept echoes the sentiments of the House, which passed a similar bill earlier this month. Bipartisan support is a good thing when addressing viable solutions. This isn't one of them.

Several members of the Senate, including Mel Martinez of Florida, have concerns about the cost of fencing and mandating locations without consulting state and local governments. Building a fence also endangers the chances for comprehensive reform because the House will not be motivated to move from its position. Meanwhile, the dicey issue of how to effectively get a handle on an estimated 12 million illegal immigrants in the United States remains unanswered.

Santa Fe New Mexican: Playing with figures to close our borders, September 27, 2006

In its rush to pass a slam-the-door and fence-'em-out immigration bill, some members of the House of Representatives are touting the measure's fiscal responsibility. One Senate version of immigration reform, moribund for the moment amid the border-wall debate, but still salvageable, includes provisions that would give undocumented workers a chance to work here legally—a notion also supported by President Bush, the former Texas governor.

We can't afford it, say representatives touting instead a 700–mile addition to the border fence, forgetting for a moment that so much steel and concrete carries its own li'l cost. Instead, they pull out a study by the Congressional Budget Office saying that the Senate bill would set our country back by more than $120 billion over 10 years. Even that amount is chicken feed compared with the cost of our Iraq invasion. But it turns out that they're fudging those figures. Robert Greenstein and James Homey of the Center on Budget and Policy Priorities recently reported what they figure is the real cost of sensible immigration reform:

Nothing—or maybe even a slight monetary gain.

(Tucson) Arizona Daily Star: Border series' findings are a call to reason

Our view: We believe it demonstrates that building fences would accelerate havoc without halting illegal immigration, September 27, 2006

The Star sent a six-member investigative reporting team to the U.S.-Mexican border for three weeks this summer. It explored the border's geography, ecology, economy and culture from the Pacific Ocean to the Gulf of Mexico.

The results of the Star team's work, which has been presented during an in-depth, four-part series that began Sunday and concludes today, came to a single conclusion: Sealing the border won't work.

South Florida Sun-Sentinel: Immigration, September 27, 2006; Issue: Some ''reforms'' move forward.

Why is all this important? Because while hardliners in Congress have demanded tough immigration reform year after year, they haven't provided the funding to support those efforts. As a result, Americans are right to be skeptical that the attention on immigration reform, which leaves out resolving the status of those undocumented immigrants already in the country without permission, is more about November politics than sound public policy.

Bottom Line: Half-measures and poor funding suggest playing politics is the priority here.

Lowell (MA) Sun: Political posturing, September 27, 2006

The U.S.-Mexico border-fence proposal is midterm election posturing by politicians hoping to come across as tough on illegal immigration. U.S. Rep. Marty Meehan was exactly right when he said the Secure Fence Act does nothing to protect our borders; instead it delays long-overdue, comprehensive immigration reform.

Regrettably, House Republicans this summer blocked a broader immigration overhaul spearheaded by U.S. Sens. Ted Kennedy, D-Mass., and John McCain, R-Ariz. Their plan holds out the promise of fixing a broken system while bringing honor to the American people for trying to help those seeking a better quality of life.

Philadelphia Inquirer: Immigration Reform: Congress' sound and fury, September 26, 2006

After doing almost nothing, and as session's end looms before an all-out sprint to Election Day, solons want to have ''something to show'' prospective voters.

So they're throwing up a wall—or at least the Secure Fence Act. They hope voters think it's proof they're doing something. It's not. As mural art goes, this bill's a whitewash, a smear, legal wallpaper. A leaky, look-nice wall just won't substitute for real, hard work. To Congress: Cut the vague talk of ''filling in the blanks'' once you return. There are far too many gaps in the wall. If you don't really address immigration, voters should brick you up and wall you out of Washington.

New York Times: Immigration Reform, in Pieces, September 26, 2006

Republican leaders want you to think they are hard at work overhauling the broken immigration system in the last days before going home. But don't be fooled by the noise and dust. These are piecemeal rehashes of legislation the House passed last December. . . . Once again it's up to the Senate to resist the restrictionist free-for-all. Republicans have been trying to make this difficult by seeking to slip their toxic measures into must-pass bills for the Homeland Security and Defense Departments. The senators who have held out for comprehensive reform, which includes giving immigrants a realistic way to work and get right with the law, must stick together to defeat the House campaign.

Seattle Times: Broad immigration reform, not fences, September 26, 2006

Immigration reform is urgent, but not so urgent the U.S. Senate should abandon its responsible approach and embrace short-sighted House bills this week.

That appears to be Senate Majority Leader Bill Frist's plan as he presses for a vote just weeks before a contentious election. He wants the Senate to vote on items common to the House's enforcement-only approach and the broader Senate version. But that would leave out a critical element for meaningful immigration reform.

Judiciary Committee Chairman Arlen Specter is right to resist Frist's approach and insist on a common-ground compromise. The Pennsylvania Republican has been a wise voice for a holistic approach to the dilemma that is immigration reform. . . . The other senators who voted for the broader bill should hold their ground.

Idaho Statesman: Our View: Fence is hardly immigration ''reform'', September 26, 2006

If Congress fails to pass meaningful and realistic immigration reform this session, voters should hold lawmakers accountable for their embarrassing performance. Voters should not be swayed by tough talk that doesn't even come with the spending commitments needed to back it up.

Yet, as Congress gets ready to adjourn for the year—and return home for the November election—the centerpiece of immigration ''reform'' could well be a 700-mile fence built along the U.S.-Mexican border.

St. Petersburg Times: Fence fallacies: On immigration, Congress can't get beyond simplistic solutions, September 26, 2006

Beware of members of Congress offering simplistic solutions to complex problems days before leaving town and just weeks before an election. That's what is happening on illegal immigration . . .

While a fence on certain stretches of border might be part of an overall security plan, to suggest that it solves any significant portion of the immigration puzzle is a ruse. Congress doesn't have the backbone to address the real issues and honestly negotiate the differences between a narrow House bill that addresses border security and a more comprehensive Senate bill that also provides an avenue to citizenship for some of the illegal immigrants who are already here.

A recent poll found that 1 person in 4 approves of the way Congress is handling its job. Is that person paying attention?

Boston Globe: Good fences make bad law, September 25, 2006

President Bush has said he would sign the House-backed bills as ''an interim step.'' And Senate majority leader Bill Frist has called the fence bill a ''first step.'' This is a tactical error. If enforcement-only bills pass now, the House will have no motivation to follow up with real reform.

The Senate should vote down the fence bill, which it is expected to take up this week, and similar short-sighted House bills. There's still a chance to make history instead of self-serving headlines.

Santa Cruz (CA) Sentinel: As We See It: Getting tough not enough on immigration, September 25, 2006

Yes, border security must be improved. But if nothing more than walls and fences and more enforcement happens before November, then both the Senate and House, and

President Bush, must start over on meaningful immigration reform in 2007.

The real answer is to provide people who want to work a way to get to America, even to stay here, to fill jobs that need workers. Providing for such immigrants is an American value that should be a campaign issue.

San Diego Union-Tribune: Running scared GOP leadership warily awaits voters' verdicts, September 25, 2006

Predictably, lawmakers are focused like lasers on getting over that hurdle and either keeping power or taking it. That's not what they should be concerned about. The public is furious and frustrated with the folks they hired to represent them. And, it seems to us, public servants should be responsive to that and make it a point to do things differently from here. Not because it would spare them one fate or another in six weeks, but because the demands of leadership require it.

Above all, they should learn the real lesson in all this—that it's better to roll up your sleeves and do something and try to make it work than to do nothing and hope no one notices. Because someone always does.

Miami Herald: Wanted: effective, comprehensive reform Immigration: Our Opinion: Reject Punitive Bills, Political Games, September 24, 2006

The resurgence of these measures only confirms that the bipartisan push for comprehensive reforms, led by the Senate, is dead this year. What's left is a misguided move by Republican House leaders trying to maintain their majority. Their goal is to gain political capital in November elections by passing punitive immigration laws.

Yet both parties risk a voter backlash by not addressing the central immigration issue: that the U.S. economy creates more jobs than natives can fill. When Americans see unpicked crops rotting (as has happened with Florida oranges, California pears and Idaho potatoes), restaurants' stacked-up dirty dishes and unmanned construction sites, they should hold Congress accountable. These objectionable bills will make matters worse:

L.A. Daily News: Inde-fence-ible: Fixing immigration problem requires a lot more than a fence, September 24, 2006

While it's too late for comprehensive immigration reform before the midterm elections, the fence can't be the last word on immigration reform. U.S. lawmakers must not be allowed to let this issue fade because of its political difficulty.

Of course, the safety and security of Americans means that we must have some sort of control over the borders, and have a reasonable knowledge of who is in the country. But we also need a sane system of bringing workers to the United States for agriculture and other jobs traditionally held by immigrants, as well as a way to bring the illegal immigrants here out of the shadows.

The (Nashville) Tennessean: Fence sign of failure on immigration issue, September 24, 2006

With no practical use, the fence will be a constant, costly reminder of Congress' failure on immigration. And so this nation's lie will continue: As politicians vow to take measures to prevent illegal immigration, U.S. businesses and farms will keep hiring needed workers.

Senators seem to believe that a fence is better than no immigration legislation at all. But if they pass this bill, they give away all their leverage to the lawmakers—and there are plenty of them—who only want the fence because it allows them to brag about being tough on immigration without enraging the businesses that benefit from the dysfunctional system.

The Senate bill is called the Secure Fence Act; a better name would be the Whitewash Bill.

Palm Beach Post: A fence, but no solution, September 24, 2006

Arizona Gov. Janet Napolitano understands better than anyone in Washington the limits of fences. ''You show me a 50-foot wall,'' she says, ''and I'll show you a 51-foot ladder at the border.'' Last week, Boeing won a $67 million government contract to supplement the metal fence with a high-tech ''virtual fence'' using cameras, sensors and unmanned planes. Eventually, someone is sure to invent the 51-foot virtual ladder.

Voters won't get anything resembling an honest debate on comprehensive immigration reform until Congress reconvenes after the election, which is the time line House Republicans want for themselves.

Washington Post: Immigration Ugliness Without objection from the president, September 22, 2006

The cynical immigration endgame of the 109th Congress isn't particularly surprising. But after a session in which the Senate actually managed to produce a bipartisan, comprehensive measure to overhaul the existing system, the latest, enforcement-only developments are nonetheless disappointing and dangerous . . .

Yesterday, the House passed another batch of immigration-related measures, the worst of which would deputize state and local law enforcement officers to enforce federal immigration laws. The measure would permit, but not require, state and local police to arrest and detain illegal immigrants for even civil violations of federal immigration law. This would undermine the ability of law enforcement to deter and prosecute violent crime. As New York Mayor Michael R. Bloomberg told the Senate Judiciary Committee in July, ''Do we really want people who could have information about criminals—including potential terrorists—to be afraid to go to the police?''

New York Daily News: GOP barriers to reforms, September 22, 2006

The 700-mile fence that the Republicans plan to build on the Mexican border at a cost of billions has a place on the immigration to-do list. But they now appear on their way to converting ''enforcement first'' reform into a policy of enforcement only. Some of their ideas are just plain awful.

True immigration reform—as President Bush proposed this year—would offer more opportunities for legal entry, even as the government gets tough with those who trespass. That means creating guest worker programs and giving undocumented aliens already in the country the opportunity to come out of the shadows, pay a fine and eventually earn citizenship. Only by relieving the pressure for more legal immigration can we ever hope to regain control of our borders.

If Congress fails to revisit immigration after Election Day, we'll be stuck with the illusion of reform. Millions of hardworking immigrants will be treated as criminals rather than as future citizens. And millions more will join them, fence or no fence.

Arizona Republic: House fumbles reforms, September 22, 2006

But lawmakers get no prize for resurrecting—piecemeal—some of the elements of the enforcement-only bill the House passed late last year. That bill sparked national protests in the spring.

If House leadership believed that approach was the solution, the House should have joined in conference this summer to resolve differences with the Senate's comprehensive immigration reform bill. That's how Congress handles competing bills.

Instead, the House rejected the hard and politically risky work of negotiation, and held a series of lopsided presentations around the country. In Arizona, the so-called hearings were highly staged, excluded real debate and relegated the public to the status of spectator.

Now we get a flurry of enforcement-only bills that let House members crow about doing ''something.'' It is the wrong ''something.''

Wall Street Journal: The Great Wall of America, Review & Outlook, September 21, 2006

The only real way to reduce the flow of illegal Mexican immigration is to provide a legal, orderly process to match open American jobs with workers who want to fill them. Mr. Bush is for that, and so is the Senate, but House Republicans have concluded that they're better off building fences. When Ronald Reagan spoke of America being a ''shining city on a hill,'' he wasn't thinking of one surrounded by electrified barbed-wire fences.

Los Angeles Times: Tear Down This Wall Bill, A 700-mile fence without comprehensive reform does nothing to address the root causes of illegal immigration, September 21, 2006

A wall is fine, but not by itself. Addressing border security alone won't fulfill the economy's need for a legal supply of labor, and it will leave millions of illegal immigrants already here hidden in a vast underground. And fence or no fence, the 45% of illegal immigrants who overstay legal visas instead of returning across the border would continue to do so.

If the Senate passes piecemeal enforcement measures, it will erode its ability to negotiate a more comprehensive approach with House leaders who myopically insist on treating immigration solely as a law enforcement issue

San Antonio Express-News: Fence along border only half a solution, September 20, 2006

But until the House is willing to work out its impasse with the Senate—and the White House—over a comprehensive immigration overhaul, any suggestion that a fence alone will stop the bleeding is merely wishful election-year thinking.

New York Times: Immigration's Lost Year September 19, 2006

Real immigration security means separating the harmful from the hard-working. It means imposing the rule of law on the ad hoc immigrant economy. It means freeing up resources so that overburdened law-enforcement agencies can restore order at the border and in the workplace. It means holding employers, not just workers, responsible for obeying the law. And it means tapping the energy of vast numbers of immigrants who dream of becoming citizens and who can make the country stronger.

These are huge tasks, and the anti-immigrant forces have nothing to contribute. They are out of ideas, except about getting re-elected. Their calculated inaction and half-measures mock Americans' support for comprehensive reform, which has been repeatedly confirmed in opinion polls.

Tucson Citizen: Our Opinion: No remedy for immigration woes this year, September 19, 2006

Indeed, if U.S. representatives believe a 700-mile fence will shut down immigration along our 2,000-mile border, we have a swell bridge we'd like to sell them.

What would a border fence cost?

At least $2.2 billion—enough to add 2,500 Border Patrol agents for five years, or to increase by 15 times U.S. spending on economic development in Mexico over the next five years. . . .

The push for a fence is political, not productive.

We urge House members to forget about appealing to voters and focus on a realistic,

effective and comprehensive approach to reform our illegal immigration policy. Nothing will improve until they do.

The (Springfield, MA) Republican: With eye on elections, House votes on fence, September 19, 2006

There has been much nonsensical talk around the matter of illegal immigration. And now there's been an extraordinarily nonsensical vote to go with all that blather.

Waco (TX) Tribune: Border fence more stunt than solution, September 18, 2006

On a vote of 283–138, the House passed a Republican-written bill authorizing the construction of about 700 miles of fence along the 2,000–mile border with Mexico.

That's it. Shell out more than a billion tax dollars to build a partial fence along the U.S.-Mexico border. This legislation doesn't come within shouting distance of meaningful.

Voters should consider the unfunded partial-fence bill passed last week by the House as little more than an election-year stunt.

San Francisco Chronicle: Border fences—and fantasies, September 17, 2006

So when House Speaker Dennis Hastert, R-Ill., said last week that ''Republicans believe we can have a no-penetration border'' and that ''if we build a fence, they will no longer come illegally,'' he was operating in the realm of politics, not reality.

What's needed is a far more sophisticated response to the immigration problem. A fence is likely to exacerbate the problem rather than resolve it.

Orlando Sentinel: Stall game, September 17, 2006

It's time the House and Senate tear down the partisan fencing that keeps America divided, and find a solution to a problem that is theirs—and theirs alone—to fix.

Inland Valley Daily Bulletin (Ontario, CA): Border policies review welcome, but fence is not, September 17, 2006

The fence strikes us as pre-election pandering so that lawmakers can go home to their districts and say they're cracking down on illegal immigration. But a wall won't cut it, if history is any guide.

East Valley Tribune (Scottsdale/Mesa, AZ): A meeting at the fence, September 17, 2006

Just as the 1986 reforms failed to stop illegal immigration because promised border and workplace enforcement didn't follow, a single-minded approach now to this complex program would drive illegal immigrants and human smugglers to take even greater risks to scale fences and sneak past border agents, while ignoring a huge shadow underclass of people living and working among us.

Arizona and all Americans deserve better from Washington.

Boston Herald: House hammers its message home, September 16, 2006

The House had an opportunity to achieve real reform on immigration, but the hard business of negotiating a compromise with the Senate doesn't make for a pithy campaign slogan. Easier to say ''I voted in favor of a fence along the border. Twice.''

South Florida Sun-Sentinel: More 'part' measures on immigration, September 16, 2006

Congress has had plenty of time to address this issue, but has chosen to use it as a political football in the upcoming elections. Now the GOP leadership says it wants changes approved in bits and pieces.

Piecemeal approaches, however, are what stymied immigration reform in the first place.

Lompoc (CA) Record: Immigration, long fences and workers, September 15, 2006

This nation needs immigration reform and secure borders, but it needs a law that makes sense. Building a new fence doesn't make sense, and will only line the pockets of fencing contractors, while having little or no effect on the flow of illegal immigrants.

The Tennessean: Why no immigration bill?, September 12, 2006

Leaders from both parties vowed that 2006 would be the year for immigration reform. Yet by their inaction, members of Congress have marked 2006 only as the year for immigration rhetoric.

The House and Senate have passed vastly different versions of immigration reform. Leaders now say that the differences are too great to be reconciled.

That's not true. Both bills include serious provisions about border security. Those provisions create enough common ground for Congress to reach compromise on other elements, including a guest worker program.

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

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, could I ask for 2 minutes?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

NATIONAL INTELLIGENCE ESTIMATE—IRAQ

Mr. KENNEDY. Mr. President, to bring to the attention of the Senate, during the consideration of the DOD appropriations, I offered an amendment with my colleague Senator REID about an NIE for Iraq. We have not had an NIE—National Intelligence Estimate—just for Iraq. The one that has been printed in the newspapers, or the reports in the newspapers have been an NIE about global terrorism, of which Iraq was a part, but we have not had an NIE on Iraq in the last 2½ years. This was accepted in the conference report.

Yesterday I sent a letter to Mr. Negroponte, with Senator ROCKEFELLER, Senator LEVIN, Senator BIDEN, Senator REID, and Senator REED, urging him to move forward. It outlines the areas to be covered in the assessment. I had that letter printed in the RECORD.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, we have four unanimous consent requests that I think have been cleared. I also want to reserve time for Senator LEAHY and Senator CORNYN, after the unanimous consent request, to say whatever they wish to say.

WRIGHT AMENDMENT REFORM ACT OF 2006

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 563, S. 3661.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3661) to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. FINDINGS.

The Congress finds the following:

(1) The Dallas-Fort Worth region is served by two large airports, Dallas-Fort Worth International Airport and Love Field. American Airlines and Southwest Airlines each have their headquarters, respectively, at these two airports.

(2) Dallas-Fort Worth International Airport ranks fourth nationally and had more than 28 million enplanements in 2005. Love Field ranks fifty-sixth and had nearly 3 million enplanements in 2005.

(3) The history of the development and creation of the Dallas-Fort Worth International Airport and the subsequent use of Love Field has been one of continuous disagreement, frequent litigation, and constant uncertainty within the local communities. As a result of these factors, this has been the only time that Congress has intervened, with the consent of the local communities, to promulgate specific rules relating to the scope of a locally owned airport. Having done so, the dispute cannot end without a change in federal statutes. Therefore, Congress recognizes the completely unique historical circumstances involving these two airport and cities and the previous unprecedented history of legislation. This legislation is based on the compelling consensus of the civic parties to resolve the dispute on a permanent basis, assure the end of litigation, and establish long-term stability.

(4) In 1979, Congress intervened and passed legislation known as the Wright Amendment which imposed restrictions at Love Field limiting service from the airport to points within the State of Texas and States contiguous to Texas. Congress has since allowed service to the additional States of Alabama, Kansas, Mississippi, and Missouri. At the urging of Congressional leaders, local community leaders have reached consensus on a proposal for eliminating the restrictions at Love Field in a manner deemed equitable by the involved parties. That consensus is reflected in an agreement dated July 11, 2006.

(5) The agreement dated July 11, 2006, does not limit an air carrier's access to the Dallas Fort Worth metropolitan area, and in fact may increase access opportunities to other carriers and communities. It is not Congressional intent to limit any air carrier's access to either airport.

(6) At the urging of the Civil Aeronautics Board (CAB), the communities originally intended to create one large international airport, and close Love Field to commercial air transportation. Funding for the new airport was, in part, predicated on the closing of Love Field to commercial service, and was agreed to by the carriers then serving Love Field. Southwest Airlines, created after the local decision was made, asserted its rights and as a result a new international airport was built, and Love Field remained open.

(7) Congress also recognizes that the agreement, dated July 11, 2006, does not harm any city that is currently being served by these airports, and thus the agreement does not adversely affect the airline industry or other communities that are currently receiving service, or hope to receive service in the future.

(8) Congress finds that the agreement, dated July 11, 2006, furthers the public interest as consumers in, and accessing, the Dallas and Fort Worth areas should benefit from increased competition.

(9) Congress also recognizes that each of the parties was forced to make concessions to reach an agreement. The two carriers, Southwest Airlines and American Airlines, did so independently, determining what is in each of their interests separately. The negotiations between the

two communities forced each carrier to respond, individually, to a host of options, which ultimately were included, as part of the agreement dated July 11, 2006.

(10) Nothing in the agreement dated July 11, 2006, is intended to eliminate the jurisdiction of the U.S. Department of Transportation, the Federal Aviation Administration and the Transportation Security Administration with respect to the aviation safety and security responsibilities of those agencies.

SEC. 2. MODIFICATION OF PROVISIONS REGARDING FLIGHTS TO AND FROM LOVE FIELD, TEXAS.

(a) EXPANDED SERVICE.—Section 29(c) of the International Air Transportation Competition Act of 1979 is amended by striking ''carrier, if (1)'' and all that follows and inserting ''carrier. Air carriers and, with regard to foreign air transportation, foreign air carriers, may offer for sale and provide through service and ticketing to or from Love Field, Texas, and any domestic or foreign destination through any point within Texas, New Mexico, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Missouri, or Alabama.''.

(b) REPEAL.—Section 29 of the International Air Transportation Competition Act of 1979 (Public Law 96–192; 94 Stat. 48 et seq.) is repealed on the date that is 8 years after the date of enactment of this Act.

SEC. 3. TREATMENT OF INTERNATIONAL NONSTOP FLIGHTS TO AND FROM LOVE FIELD, TEXAS.

No person may provide, or offer to provide, air transportation of passengers for compensation or hire between Love Field, Texas, and any point or points outside the 50 States or the District of Columbia on a non-stop basis, and no officer or employee of the United States Government may take any action to make or designate Love Field, Texas, an initial point of entry into the United States or a last point of departure from the United States.

SEC. 4. CHARTER FLIGHTS AT LOVE FIELD, TEXAS.

(a) IN GENERAL.—Charter flights (as defined in section 212.1 of title 14, Code of Federal Regulations) at Love Field, Texas, shall be limited to destinations within the 50 States and the District of Columbia and shall be limited to no more than 10 per month per air carrier for charter flights beyond Texas, New Mexico, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Missouri, or Alabama.

(b) CARRIERS THAT LEASE GATES.—Except for a flight operated by a Federal agency or by an air carrier under contract to a Federal agency or in extraordinary circumstances or irregular operations, all flights operated by air carriers that lease terminal gate space at Love Field, Texas, shall depart from and arrive at one of those leased gates.

(c) CARRIERS THAT DO NOT LEASE GATES.—A charter flight operated by an air carrier that does not lease terminal space at Love Field, Texas, may operate from non-terminal facilities or one of the terminal gates.

SEC. 5. AGREEMENT OF THE PARTIES.

(a) IN GENERAL.—Except as provided in subsection (b), any action taken by the City of Dallas, the City of Fort Worth, Southwest Airlines, American Airlines, or the Dallas-Fort Worth International Airport Board (referred to in this section as the ''parties'') that is reasonably necessary to implement the provisions of the agreement dated July 11, 2006, and titled ''Contract among the City of Dallas, the City of Fort Worth, Southwest Airlines Co., American Airlines, Inc., and DFW International Airport Board Incorporating the Substance of the Terms of the June 15, 2006 Joint Statement Between the Parties To Resolve the 'Wright Amendment' Issues'', and such agreement, shall be deemed to comply in all respects with the parties' obligations under title 49, United States Code, and any other competition laws.

(b) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed—

(1) to limit the obligations of the parties under the existing programs of the United States Department of Transportation and the Federal Aviation Administration relating to aviation safety, labor, environmental, national historic preservation, civil rights, small business concerns (including disadvantaged business enterprise), veteran's preference, and disability access;

(2) to limit the obligations of the parties under the existing aviation security programs of the Department of Homeland Security and the Transportation Security Administration at Love Field, Texas; or

(3) to authorize the parties to offer marketing incentives that are in violation of Federal law, rules, orders, agreements, and other requirements.

(c) LOVE FIELD GATES.—The number of gates available for passenger air service at Love Field, Texas, shall be reduced, as soon as practicable, to no more than 20 gates, and thereafter shall not exceed a maximum of 20 gates.

(d) GENERAL AVIATION.—Nothing in the agreement described in subsection (a) shall affect general aviation service at Love Field, Texas, including flights to or from Love Field by general aviation aircraft for air taxi service, private or sport flying, aerial photography, crop dusting, corporate aviation, medical evacuation, flight training, police or fire fighting, and similar general aviation purposes, or by aircraft operated by any Federal agency or by any airline under contract to any Federal agency.

(e) ENFORCEMENT.—Notwithstanding any other provision of law, the Secretary of Transportation and the Administrator of the Federal Aviation Administration are prohibited from making findings or determinations, promulgating orders or rules, withholding airport improvement grants or approvals thereof, denying passenger facility charge applications, or taking any other action either self-initiated or on behalf of third parties, that is inconsistent with the provisions of the agreement described in subsection (a), or that challenge the legality of any of its provisions.

SEC. 6. JURISDICTION.

The Department of Transportation shall have exclusive jurisdiction with respect to the agreement described in section 5(a) of this Act.

SEC. 7. APPLICABILITY.

(a) IN GENERAL.—The provisions of this Act shall apply only to actions taken with respect to Love Field, Texas, or air transportation to or from Love Field, Texas, under the agreement described in section 5(a) of this Act and shall have no application to any other airport.

(b) SAFETY REVIEW.—The provisions of this Act shall not take effect if, within 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration determines and notifies Congress that aviation operations in the airspace serving Love Field, Texas, and the Dallas-Fort Worth area that will be facilitated by the agreement described in section 5(a) and by this Act, cannot be accommodated in compliance with FAA safety standards in accordance with section 40101 of title 49, United States Code.

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

Mrs. HUTCHISON. I ask unanimous consent the amendment at the desk be agreed to, the committee-reported amendment, as amended, be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 5107) was agreed to, as follows:

AMENDMENT NO. 5107

Strike all after enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wright Amendment Reform Act of 2006''.

SEC. 2. MODIFICATION OF PROVISIONS REGARDING FLIGHTS TO AND FROM LOVE FIELD, TEXAS.

(a) EXPANDED SERVICE.—Section 29(c) of the International Air Transportation Competition Act of 1979 (Public Law 96–192; 94 Stat. 35) is amended by striking ''carrier, if (1)'' and all that follows and inserting the following: ''carrier. Air carriers and, with regard to foreign air transportation, foreign air carriers, may offer for sale and provide through service and ticketing to or from Love Field, Texas, and any United States or foreign destination through any point within Texas, New Mexico, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Missouri, or Alabama.''.

(b) REPEAL.—Section 29 of the International Air Transportation Competition Act of 1979 (94 Stat. 35), as amended by subsection (a), is repealed on the date that is 8 years after the date of enactment of this Act.

SEC. 3. TREATMENT OF INTERNATIONAL NONSTOP FLIGHTS TO AND FROM LOVE FIELD, TEXAS.

No person shall provide, or offer to provide, air transportation of passengers for compensation or hire between Love Field, Texas, and any point or points outside the 50 States or the District of Columbia on a nonstop basis, and no official or employee of the Federal Government may take any action to make or designate Love Field as an initial point of entry into the United States or a last point of departure from the United States.

SEC. 4. CHARTER FLIGHTS AT LOVE FIELD, TEXAS.

(a) IN GENERAL.—Charter flights (as defined in section 212.2 of title 14, Code of Federal Regulations) at Love Field, Texas, shall be limited to—

(1) destinations within the 50 States and the District of Columbia; and

(2) no more than 10 per month per air carrier for charter flights beyond the States of Texas, New Mexico, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Missouri, and Alabama.

(b) CARRIERS WHO LEASE GATES.—All flights operated to or from Love Field by air carriers that lease terminal gate space at Love Field shall depart from and arrive at one of those leased gates; except for—

(1) flights operated by an agency of the Federal Government or by an air carrier under contract with an agency of the Federal Government; and

(2) irregular operations.

(c) CARRIERS WHO DO NOT LEASE GATES.—Charter flights from Love Field, Texas, operated by air carriers that do not lease terminal space at Love Field may operate from nonterminal facilities or one of the terminal gates at Love Field.

SEC. 5. LOVE FIELD GATES.

(a) IN GENERAL.—The city of Dallas, Texas, shall reduce as soon as practicable, the number of gates available for passenger air service at Love Field to no more than 20 gates. Thereafter, the number of gates available for such service shall not exceed a maximum of 20 gates. The city of Dallas, pursuant to its authority to operate and regulate the airport as granted under chapter 22 of the Texas Transportation Code and this Act, shall determine the allocation of leased gates and manage Love Field in accordance with contractual rights and obligations existing as of

the effective date of this Act for certificated air carriers providing scheduled passenger service at Love Field on July 11, 2006. To accommodate new entrant air carriers, the city of Dallas shall honor the scarce resource provision of the existing Love Field leases.

(b) REMOVAL OF GATES AT LOVE FIELD.—No Federal funds or passenger facility charges may be used to remove gates at the Lemmon Avenue facility, Love Field, in reducing the number of gates as required under this Act, but Federal funds or passenger facility charges may be used for other airport facilities under chapter 471 of title 49, United States Code.

(c) GENERAL AVIATION.—Nothing in this Act shall affect general aviation service at Love Field, including flights to or from Love Field by general aviation aircraft for air taxi service, private or sport flying, aerial photography, crop dusting, corporate aviation, medical evacuation, flight training, police or fire fighting, and similar general aviation purposes, or by aircraft operated by any agency of the Federal Government or by any air carrier under contract to any agency of the Federal Government.

(d) ENFORCEMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation and the Administrator of the Federal Aviation Administration may not make findings or determinations, issue orders or rules, withhold airport improvement grants or approvals thereof, deny passenger facility charge applications, or take any other actions, either self-initiated or on behalf of third parties—

(A) that are inconsistent with the contract dated July 11, 2006, entered into by the city of Dallas, the city of Fort Worth, the DFW International Airport Board, and others regarding the resolution of the Wright Amendment issues, unless actions by the parties to the contract are not reasonably necessary to implement such contract; or

(B) that challenge the legality of any provision of such contract.

(2) COMPLIANCE WITH TITLE 49 REQUIREMENTS.—A contract described in paragraph (1)(A) of this subsection, and any actions taken by the parties to such contract that are reasonably necessary to implement its provisions, shall be deemed to comply in all respects with the parties' obligations under title 49, United States Code.

(e) LIMITATION ON STATUTORY CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this Act shall be construed—

(A) to limit the obligations of the parties under the programs of the Department of Transportation and the Federal Aviation Administration relating to aviation safety, labor, environmental, national historic preservation, civil rights, small business concerns (including disadvantaged business enterprise), veteran's preference, disability access, and revenue diversion;

(B) to limit the authority of the Department of Transportation or the Federal Aviation Administration to enforce the obligations of the parties under the programs described in subparagraph (A);

(C) to limit the obligations of the parties under the security programs of the Department of Homeland Security, including the Transportation Security Administration, at Love Field, Texas;

(D) to authorize the parties to offer marketing incentives that are in violation of Federal law, rules, orders, agreements, and other requirements; or

(E) to limit the authority of the Federal Aviation Administration or any other Federal agency to enforce requirements of law and grant assurances (including subsections (a)(1), (a)(4), and (s) of section 47107 of title 49, United States Code) that impose obligations on Love Field to make its facilities available on a reasonable and nondiscriminatory basis to air carriers seeking to use such facilities, or to withhold grants or deny applications to applicants violating such obligations with respect to Love Field.

(2) FACILITIES.—Paragraph (1)(E)—

(A) shall only apply with respect to facilities that remain at Love Field after the city of Dallas has reduced the number of gates at Love Field as required by subsection (a); and

(B) shall not be construed to require the city of Dallas, Texas—

(i) to construct additional gates beyond the 20 gates referred to in subsection (a); or

(ii) to modify or eliminate preferential gate leases with air carriers in order to allocate gate capacity to new entrants or to create common use gates, unless such modification or elimination is implemented on a nationwide basis.

SEC. 6. APPLICABILITY.

The provisions of this Act shall apply to actions taken with respect to Love Field, Texas, or air transportation to or from Love Field, Texas, and shall have no application to any other airport (other than an airport owned or operated by the city of Dallas or the city of Fort Worth, or both).

SEC. 7. EFFECTIVE DATE.

Sections 1 through 6, including the amendments made by such sections, shall take effect on the date that the Administrator of the Federal Aviation Administration notifies Congress that aviation operations in the airspace serving Love Field and the Dallas-Fort Worth area which are likely to be conducted after enactment of this Act can be accommodated in full compliance with Federal Aviation Administration safety standards in accordance with section 40101 of title 49, United States Code, and, based on current expectations, without adverse effect on use of airspace in such area.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

NEW ENGLAND WILDERNESS ACT OF 2006

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 4001, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4001) to designate certain land in New England as wilderness for inclusion in the National Wilderness Survey system and certain land as a National Recreation Area, and for other purposes.

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

Mrs. HUTCHISON. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (S. 4001) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4001

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''New England Wilderness Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Section 1. Short title; table of contents
Sec. 2. Definition of Secretary
TITLE I—NEW HAMPSHIRE
Sec. 101. Definition of State
Sec. 102. Designation of wilderness areas
Sec. 103. Map and description
Sec. 104. Administration
TITLE II—VERMONT
Sec. 201. Definitions
Subtitle A—Designation of Wilderness Areas
Sec. 211. Designation
Sec. 212. Map and description
Sec. 213. Administration
Subtitle B—Moosalamoo National Recreation Area
Sec. 221. Designation
Sec. 222. Map and description
Sec. 223. Administration of National Recreation Area

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

TITLE I—NEW HAMPSHIRE

SEC. 101. DEFINITION OF STATE.

In this title, the term ''State'' means the State of New Hampshire.

SEC. 102. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) Certain Federal land managed by the Forest Service, comprising approximately 23,700 acres, as generally depicted on the map entitled ''Proposed Wild River Wilderness—White Mountain National Forest'', dated February 6, 2006, which shall be known as the ''Wild River Wilderness''.

(2) Certain Federal land managed by the Forest Service, comprising approximately 10,800 acres, as generally depicted on the map entitled ''Proposed Sandwich Range Wilderness Additions—White Mountain National Forest'', dated February 6, 2006, and which are incorporated in the Sandwich Range Wilderness, as designated by the New Hampshire Wilderness Act of 1984 (Public Law 98–323; 98 Stat. 259).

SEC. 103. MAP AND DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by section 102 with the committees of appropriate jurisdiction in the Senate and the House of Representatives.

(b) FORCE AND EFFECT.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 104. ADMINISTRATION.

(a) ADMINISTRATION.—Subject to valid existing rights, each wilderness area designated under this title shall be administered by the Secretary in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to any wilderness area designated by this title, any reference in the

Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(c) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this title affects any jurisdiction or responsibility of the State with respect to wildlife and fish in the State.

(d) WITHDRAWAL.—Subject to valid existing rights, all Federal land in the wilderness areas designated by section 102 are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral leasing laws (including geothermal leasing laws).

TITLE II—VERMONT

SEC. 201. DEFINITIONS.

In this title:

(1) MANAGEMENT PLAN.—The term ''Management Plan'' means the Green Mountain National Forest Land and Resource Management Plan.

(2) STATE.—The term ''State'' means the State of Vermont.

Subtitle A—Designation of Wilderness Areas

SEC. 211. DESIGNATION.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Certain Federal land managed by the United States Forest Service, comprising approximately 22,425 acres, as generally depicted on the map entitled ''Glastenbury Wilderness—Proposed'', dated September 2006, which shall be known as the ''Glastenbury Wilderness''.

(2) Certain Federal land managed by the United States Forest Service, comprising approximately 12,333 acres, as generally depicted on the map entitled ''Joseph Battell Wilderness—Proposed'', dated September 2006, which shall be known as the ''Joseph Battell Wilderness''.

(3) Certain Federal land managed by the United States Forest Service, comprising approximately 3,757 acres, as generally depicted on the map entitled ''Breadloaf Wilderness Additions—Proposed'', dated September 2006, which shall be known as the ''Breadloaf Wilderness''.

(4) Certain Federal land managed by the United States Forest Service, comprising approximately 2,338 acres, as generally depicted on the map entitled ''Lye Brook Wilderness Additions—Proposed'', dated September 2006, which shall be known as the ''Lye Brook Wilderness''.

(5) Certain Federal land managed by the United States Forest Service, comprising approximately 752 acres, as generally depicted on the map entitled ''Peru Peak Wilderness Additions—Proposed'', dated September 2006, which shall be known as the ''Peru Peak Wilderness''.

(6) Certain Federal land managed by the United States Forest Service, comprising approximately 47 acres, as generally depicted on the map entitled ''Big Branch Wilderness Additions—Proposed'', dated September 2006, which shall be known as the ''Big Branch Wilderness''.

SEC. 212. MAP AND DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by section 211 with—

(1) the Committee on Resources of the House of Representatives;

(2) the Committee on Agriculture of the House of Representatives; and

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(b) FORCE OF LAW.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 213. ADMINISTRATION.

(a) ADMINISTRATION.—Subject to valid rights in existence on the date of enactment of this Act, each wilderness area designated under this subtitle and in the Green Mountain National Forest (as of the date of enactment of this Act) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) FISH AND WILDLIFE.—Nothing in this subtitle affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State, including the stocking of fish in rivers and streams in the State to support the Connecticut River Atlantic Salmon Restoration Program.

(c) TRAILS.—The Forest Service shall allow the continuance of —

(1) the Appalachian National Scenic Trail;

(2) the Long Trail;

(3) the Catamount Trail; and

(4) the marking and maintenance of associated trails and trail structures of the Trails referred to in this subsection, consistent with the management direction (including objectives, standards, guidelines, and agreements with partners) established for the Appalachian National Scenic Trail, Long Trail, and Catamount Trail under the Management Plan.

Subtitle B—Moosalamoo National Recreation Area

SEC. 221. DESIGNATION.

Certain Federal land managed by the United States Forest Service, comprising approximately 15,857 acres, as generally depicted on the map entitled ''Moosalamoo National Recreation Area—Proposed'', dated September 2006, is designated as the ''Moosalamoo National Recreation Area''.

SEC. 222. MAP AND DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the national recreation area designated by section 221 with—

(1) the Committee on Resources of the House of Representatives;

(2) the Committee on Agriculture of the House of Representatives; and

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(b) FORCE OF LAW.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 223. ADMINISTRATION OF NATIONAL RECREATION AREA.

(a) IN GENERAL.—Subject to valid rights existing on the date of enactment of this Act, the Secretary shall administer the Moosalamoo National Recreation Area in accordance with—

(1) laws (including rules and regulations) applicable to units of the National Forest System; and

(2) the management direction (including objectives, standards, and guidelines) established for the Moosalamoo Recreation and Education Management Area under the Management Plan.

(b) FISH AND WILDLIFE.—Nothing in this subtitle affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State.

(c) ESCARPMENT AND ECOLOGICAL AREAS.—Nothing in this subtitle prevents the Secretary from managing the Green Mountain Escarpment Management Area and the Ecological Special Areas, as described in the Management Plan.

THE CALENDAR

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the Senate proceed to an immediate en bloc consideration of the following bills: Calendar No. 393 to 400, 403 to 410, 420, 533, and 584.

The PRESIDING OFFICER. Is there objection?

Without objection, the Senate will proceed en bloc.

Mr. COBURN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Is there objection? The Senator from Oklahoma.

Mr. COBURN. I do not intend to object in the final analysis on this, but I think the American public needs to hear how this bill got here and the associated processes with it. I want to share my concerns over it. It will take me a few minutes to do that, but I think it is important that we do this.

Before I lift my objection to the authorization in this package, I think it is important to know that this obligates the American people for $1.5 billion. The majority leader originally sought consent for this package in May and again in July. After carefully reviewing the package, considering the oath that I took in January of 2005, I could not give that consent.

I immediately sat down with the chairman of the Energy Committee. I outlined in detail my concerns with him. And I am committed by putting my objections in writing, and I did so.

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

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

UNITED STATES SENATE,
Washington, DC, May 25, 2006.

Hon. PETE DOMENICI,
Committee on Energy and Natural Resources
U.S. Senate.

DEAR CHAIRMAN DOMENICI: I want to thank you for agreeing to meet with me late last week. As follow-up to our conversation and per my commitment to you, I am providing a more thorough review of the concerns that prompted me to place a hold on the committee package.

First and foremost, as we discussed during our meeting, I want to underscore my concern that the package gives very little consideration to the future impact on spending and the growing deficit. With rare exception, each bill in the package creates or expands' authorized spending levels, with no consideration for finding similarly authorized programs that have failed to meet Congressional intent or which have outlived their

usefulness. In other words, in creating these authorizations—eventual recommendations for appropriations—we have given little or no thought to finding offsets or attempted to prioritize diminishing federal resources.

For example, S. 1913, ''the Indiana Dunes Visitors Center'' would authorize the National Park Service to lease space and construct a gift shop and theater at an estimated cost of $1.2 million. H.R. 318, ''the Castle Nugent Farms study'' would spend an estimated $500,000 to determine the feasibility of designating the area a unit of the National Park Service (NPS). Similarly, H.R. 1728 would study the feasibility of establishing a NPS unit to preserve historic homes in Ste Genevieve, Missouri. S. 200, S. 204, S 163, and S 249 would establish National Heritage Areas (NHA) at an estimated initial cost of $40 million. I am very concerned about authorizing new spending on parks and associated buildings when our nation already is more than $8 trillion in debt and when we already have millions of acres of federal lands that we are already unable to maintain properly.

I specifically question why there has been no attempt to offset the new authorizations, or in any way review the priorities of agency spending. The Department of the Interior—where each of these new programs will be administered—is replete with wasteful and ineffective spending, and provides ample opportunity for this Congress to prioritize its spending. Consider the following: In adding to the 672 million acres that it currently. owns, the Department of the Interior and related land management agencies have spent over $1.1 billion on land acquisition since 2002, and an estimated $113 million last year alone. Additionally, the Administration estimates that the agency carries over $4.5 billion in unobligated balances. Surely, we can find a way to prioritize spending in these agencies, and to ensure that these new authorizations don't add to the already crushing debt that our children will inherit.

Furthermore, I am concerned that many of the bills lack sufficient justification for federal involvement. For example, S 1346 ''the Michigan Lighthouse and Maritime Heritage Act'' would authorize $500,000 for the Department of the Interior ''to study and report on Michigan maritime heritage resource preservation and interpretation, including: potential economic and tourism benefits of preservation of these resources . . .'' The tourism industry in Michigan already generates an estimated $16 billion, and while I do not question the importance of these local preservation and promotion efforts, I fail to see a federal responsibility.

Finally, I am concerned that a bill (S 1970) that I offered to amend the Trail of Tears Historic Trail Act, was modified from its original version. In the bill that I introduced, I specifically prohibited any new federal appropriations for the update of the trail study. First, the bulk of the study has already been completed by researchers, and simply needs updating. Second, I felt it was important that any expenditures for the trail come from existing trail funding, and not burden other NPS resources. In amending my bill, the committee undermined a basic condition of my support for the bill and opened up the possibility for new spending—something I will aggressively oppose.

I am prepared to drop my objections to the hotlined package if the committee is willing to consider other measures to offset the proposed new authorizations. In briefly reviewing offsetting measures within the Department of the Interior, I have identified several billion dollars in potential offsets. I am including an overview below:

The President has proposed the elimination or reduction of several programs within the Department of the Interior. Total savings are projected to be $260,000,000. *http://www.whitehouse.gov/omb/budget/fy2007/pdf/savings.pdf*. These savings will pay for all but one of the bills contained in the hotlined package.

The Department of the Interior spent $218.7 million on conferences and travel in FY 2004, up $12 million since FY 2000; Reducing these expenditures by 10% will entirely pay for 9 of the bills included in this package.

The Department of the Inteior has over $4.5 billion in unobligated funds already appropriated by Congress. We can pay for the entire authorization package simply by requiring that all future appropriations be paid for from the agency's unobligated balances.

These suggestions are by no means exhaustive, and I am certainly open to other alternative offsets. We can and we should find a way to prioritize spending in these areas, and I look forward to working with you to accomplish this goal.

Again, I want to thank: you for taking the time to meet with me to hear my concerns, and for this opportunity to work with you to preserve and protect the great heritage of sacrifice that was given to us by our forefathers.

Sincerely,

TOM A. COBURN,
U.S. Senator.

Mr. COBURN. Mr. President, I will repeat today what I said in person and in writing. It authorizes $1.5 billion spending with not one offset and zero consideration for prioritization of how we spend money in this country.

Mr. CONRAD. Mr. President, what is the regular order?

The PRESIDING OFFICER. There is a unanimous-consent request pending before the Senate.

Is there objection?

Mr. CONRAD. Is the Senator required to register an objection or not?

The PRESIDING OFFICER. That is correct.

Is there objection?

Mr. COBURN. Mr. President, I will try again, reserving my right to object. I will finish this statement one way or the other; otherwise, I will object.

The PRESIDING OFFICER. The Senator does not have the right to object upon reservation. It is an accommodation that exists only with the consent of other Senators.

Mr. COBURN. Mr. President, I ask unanimous-consent after the unanimous-consent on this bill that I be allowed 15 minutes to speak on this bill.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. I will not object to that.

Mrs. HUTCHISON. Mr. President, I respectfully ask the Senator from Oklahoma if I could do the other two pending unanimous-consent requests and then allow the Senator from Oklahoma to speak for 15 minutes; and then, after that allow either Senator CORNYN or Senator LEAHY, or both, along with myself, to speak on the previously agreed to bill for up to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. I object to that, unless we can have a more comprehensive agreement. I was told that a number of us concerned about drought could come to the floor at 11:30 this morning. Then we were told 1:30. Now it is 1:45. It is fine with me if we can reach an agreement that extends to those of us who are from states suffering from a natural disaster. I totally appreciate the Senator's right to at some point have a chance to express himself. As a matter of procedure, when a Senator has raised an objection, it is my understanding of the rules of the Senate that you have to promptly object or not. It is not a time to speak. I would be fully in agreement having a unanimous-consent agreement to give you the right to express your views. You certainly have that right at some point.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Mr. President, I will object unless we have a chance to reach a more comprehensive agreement on what follows.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The Senator from Texas has the floor. Is there objection to the en bloc consideration of the bills listed by the Senator from Texas?

Mr. CONRAD. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that we finish the unanimous-consent requests that have been cleared on both sides, that there be speakers recognized in the following order: Senator COBURN, Senator CHAMBLISS, Senator CONRAD, and a Republican slot; further, that Senator CORNYN and Senator LEAHY and myself be allowed to have 15 minutes following that to discuss legislation previously passed.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. Mr. President, I amend my unanimous-consent request to put Senator DORGAN following the Republicans.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, I reserve the right to object. I understand the recognition is Senator CONRAD and then a Republican slot at which point I would be recognized.

Mrs. HUTCHISON. That is correct.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Mr. President, I think it would be very important here to have time specified for these names because that is the only way we can have an understanding here. I will object unless we have time associated with the names.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous-consent that the two agreed-to energy en bloc requests be granted first; following that, Senator COBURN for 15 minutes, Senator CHAMBLISS for 10 minutes, Senator CONRAD for up to 30 minutes, a Republican slot for 10 minutes, and Senator DORGAN for 20 minutes. I need to also have time reserved for Senator LEAHY, Senator CORNYN, and myself following that order for up to 30 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, reserving the right to object—and I shall not object—I believe the Senator from Texas is discussing time for a colloquy that Senator CORNYN and I intend to do which will take about 5 to 10 minutes. When would we have our colloquy?

Mrs. HUTCHISON. It would be approximately an hour and half before that would occur unless there would be a unanimous consent agreement that the colloquy could be moved up.

Mr. LEAHY. I don't want to interfere with others who are on the floor already planning things. I wonder if there would be a difficulty if Senator CORNYN and I did our colloquy. I can assure the Senate that I will keep my time to 2 minutes. I do not know how much time the Senator from Texas would request.

Mrs. HUTCHISON. Mr. President, I amend my unanimous consent to allow us to do the two energy en banc requests that have been agreed to by both sides; Senator CORNYN and Senator LEAHY for up to 5 minutes; Senator COBURN for 15 minutes; Senator CHAMBLISS for 10 minutes; Senator CONRAD for up to 30 minutes; a Republican slot for 10 minutes; Senator DORGAN for 20 minutes; and Senator HUTCHISON for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator may proceed with the en banc unanimous consent requests.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate en bloc consideration of the following bills: Calendar Nos. 393 to 400, 403 to 410, 420, 533, and 584.

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the amendments at the desk be agreed to; the committee-reported amendments as amended, if amended, be agreed to; the bills as amended, if amended, be read a third time and passed en bloc; the resolution be agreed to; and the motions to reconsider be laid upon the table.

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

BOY SCOUTS OF AMERICA LAND TRANSFER ACT OF 2005

The Senate proceeded to consider the bill (S. 476) to authorize the Boy Scouts of America to exchange certain land in the State of Utah acquired under the Recreation and Public Purposes Act, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Boy Scouts of America Land Transfer Act of 2006''.

SEC. 2. DEFINITIONS.

In this Act:

(1) BOY SCOUTS.—The term ''Boy Scouts'' means the Utah National Parks Council of the Boy Scouts of America.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. BOY SCOUTS OF AMERICA LAND EXCHANGE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Subject to subsection (c) and notwithstanding the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.), the Boy Scouts may convey to Brian Head Resort, subject to valid existing rights and, except as provided in paragraph (2), any rights reserved by the United States, all right, title, and interest granted to the Boy Scouts by the original patent to the parcel described in subsection (b)(1) in exchange for the conveyance by Brian Head Resort to the Boy Scouts of all right, title, and interest in and to the parcels described in subsection (b)(2).

(2) REVERSIONARY INTEREST.—On conveyance of the parcel of land described in subsection (b)(1), the Secretary shall have discretion with respect to whether or not the reversionary interests of the United States are to be exercised.

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) are—

(1) the 120-acre parcel that is part of a tract of public land acquired by the Boy Scouts under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.) for the purpose of operating a camp, which is more particularly described as the W½SE¼ and SE¼SE¼ sec. 26, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

(2) the 2 parcels of private land owned by Brian Head Resort that total 120 acres, which are more particularly described as—

(A) NE¼NW¼ and NE¼NE¼ sec. 25, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

(B) SE¼SE¼ sec. 24, T. 35. S., R. 9 W., Salt Lake Base and Meridian.

(c) CONDITIONS.—On conveyance to the Boy Scouts under subsection (a)(1), the parcels of land described in subsection (b)(2) shall be subject to the terms and conditions imposed on the entire tract of land acquired by the Boy Scouts for a camp under the Bureau of Land Management patent numbered 43–75–0010.

(d) MODIFICATION OF PATENT.—On completion of the exchange under subsection (a)(1), the Secretary shall amend the original Bureau of Land Management patent providing for the conveyance to the Boy Scouts under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.) numbered 43–75–0010 to take into account the exchange under subsection (a)(1).

The committee amendment in the nature of a substitute was agreed to.

The bill S. 476 was ordered to be engrossed for a third reading, was read a third time; and passed.

IDAHO LAND ENHANCEMENT ACT

The Senate proceeded to consider the bill (S. 1131) to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Idaho Land Enhancement Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the agreement executed in April 2005 entitled ''Agreement to Initiate, Boise Foothills—Northern Idaho Land Exchange'', as modified by the agreement executed in March 2006 entitled ''Amendment No. 1'', and entered into by—

(A) the Bureau of Land Management;

(B) the Forest Service;

(C) the State; and

(D) the City.

(2) BUREAU OF LAND MANAGEMENT LAND.—The term ''Bureau of Land Management land'' means the approximately 605 acres of land administered by the Bureau of Land Management (including all appurtenances to the land) that is proposed to be acquired by the State, as identified in exhibit A2 of the Agreement and as generally depicted on the maps.

(3) BOARD.—The term ''Board'' means the Idaho State Board of Land Commissioners.

(4) CITY.—The term ''City'' means the city of Boise, Idaho.

(5) FEDERAL LAND.—The term ''Federal land'' means the Bureau of Land Management land and the National Forest System land.

(6) MAPS.—The term ''maps'' means maps 1 through 7 entitled ''Parcel Identification Map: Idaho Lands Enhancement Act Land Exchange'' and dated February 28, 2006.

(7) NATIONAL FOREST SYSTEM LAND.—The term ''National Forest System land'' means the approximately 7,220 acres of land (including all appurtenances to the land) that is—

(A) administered by the Secretary of Agriculture in the Idaho Panhandle National Forests and the Clearwater National Forest;

(B) proposed to be acquired by the State;

(C) identified in exhibit A2 of the Agreement; and

(D) generally depicted on the maps.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(9) STATE.—The term ''State'' means the State of Idaho, Department of Lands.

(10) STATE LAND.—The term ''State land'' means the approximately 11,815 acres of land (including all appurtenances to the land) administered by the State that is proposed to be acquired by the United States, as identified in exhibit A1 of the Agreement and as generally depicted on the maps.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—In accordance with the Agreement and this Act, if the State offers to convey the State land to the United States, the Secretary and the Secretary of Agriculture shall—

(1) accept the offer; and

(2) on receipt of title to the State land, simultaneously convey to the State the Federal land.

(b) VALID EXISTING RIGHTS.—The conveyance of the Federal land and State land shall be subject to all valid existing rights.

(c) EQUAL VALUE EXCHANGE.—

(1) IN GENERAL.—The value of the Federal land and State land to be exchanged under this Act—

(A) shall be equal; or

(B) shall be made equal in accordance with subsection (d).

(2) APPRAISALS.—The value of the Federal land and State land shall be determined in accordance with appraisals—

(A) conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice;

(B) reviewed by an interdepartmental review team comprised of representatives of Federal and State agencies; and

(C) approved by the Secretary or the Secretary of Agriculture, as appropriate.

(d) CASH EQUALIZATION.—

(1) IN GENERAL.—If the value of the Federal land and State land is not equal, the value may be equalized by the payment of cash to the United States or to the State, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(2) DISPOSITION AND USE OF PROCEEDS.—

(A) DISPOSITION OF PROCEEDS.—Any cash equalization payments received by the United States under paragraph (1) shall be deposited in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a).

(B) USE OF PROCEEDS.—Amounts deposited under subparagraph (A) shall be available to the Secretary of Agriculture, without further appropriation and until expended, for the acquisition of land and interests in land for addition to the National Forest System in the State.

(e) TIMING.—It is the intent of Congress that the land exchange authorized and directed by this Act shall be completed not later than 180 days after the date of enactment of this Act.

(f) RIGHTS-OF-WAY.—

(1) RIGHTS-OF-WAY TO NATIONAL FOREST SYSTEM LAND.—The Secretary of Agriculture, under the authority of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), shall convey to the State any easements or other rights-of-way to National Forest System land that are—

(A) appropriate to provide access to the National Forest System land acquired by the State; and

(B) agreed to by the Secretary of Agriculture and the State.

(2) RIGHTS-OF-WAY TO STATE LAND.—The State shall convey to the United States any easements or other rights-of-way to land owned by the State that are—

(A) appropriate to provide access to the State land acquired by the United States; and

(B) agreed to by—

(i) the Secretary or the Secretary of Agriculture; and

(ii) the State.

(g) COSTS.—The City, either directly or through a collection agreement with the Secretary and the Secretary of Agriculture, shall pay the administrative costs associated with the conveyance of the Federal land and State land, including the costs of any field inspections, environmental analyses, appraisals, title examinations, and deed and patent preparations.

SEC. 4. MANAGEMENT OF FEDERAL LAND.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—There is transferred from the Secretary to the Secretary of Agriculture administrative jurisdiction over the land described in paragraph (2).

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 2,110 acres of land that is administered by the Bureau of Land Management and located in Shoshone County, Idaho, as generally identified in exhibit A3 of the Agreement.

(3) WILDERNESS STUDY AREAS.—Any land designated as a Wilderness Study Area that is transferred to the Secretary of Agriculture under paragraph (1) shall be managed in a manner that preserves the suitability of land for designation as wilderness until Congress determines otherwise.

(b) ADDITIONS TO THE NATIONAL FOREST SYSTEM.—The Secretary of Agriculture shall administer any land transferred to, or conveyed to the United States for administration by, the Secretary of Agriculture in accordance with—

(1) the Act of March 1, 1911 (commonly known as the ''Weeks Act'') (16 U.S.C. 480 et seq.); and

(2) the laws (including regulations) applicable to the National Forest System.

(c) LAND TO BE MANAGED BY THE SECRETARY.—The Secretary shall administer any State land conveyed to the United States under this Act for administration by the Secretary in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) other applicable laws.

(d) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Idaho Panhandle National Forests and the Clearwater National Forest shall be considered to be the boundaries of the Idaho Panhandle National Forests and the Clearwater National Forest, respectively, as of January 1, 1965.

SEC. 5. MISCELLANEOUS PROVISIONS.

(a) LEGAL DESCRIPTIONS.—The Secretary, the Secretary of Agriculture, and the Board may modify the descriptions of land specified in the Agreement to—

(1) correct errors; or

(2) make minor adjustments to the parcels based on a survey or other means.

(b) REVOCATION OF ORDERS.—Subject to valid existing rights, any public land orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(c) WITHDRAWALS.—

(1) FEDERAL LAND.—Subject to valid existing rights, pending completion of the land exchange, the Federal land is withdrawn from—

(A) all forms of location, entry, and patent under the mining and public land laws; and

(B) disposition under the mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(2) STATE LAND.—Subject to valid existing rights, the land transferred to the United States under this Act is withdrawn from—

(A) all forms of location, entry, and patent under the mining and public land laws; and

(B) disposition under the mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(3) EFFECT.—Nothing in this section precludes the Secretary or the Secretary of Agriculture from using common varieties of mineral materials for construction and maintenance of Federal roads and facilities on the State land acquired under this Act.

The amendment (No. 5108) was agreed to, as follows:

AMENDMENT NO. 5108

(Purpose: To add a provision relating to the term of approval of appraisals by the interdepartmental review team)

On page 15, between lines 22 and 23, insert the following:

(3) TERM OF APPROVAL.—The term of approval of the appraisals by the interdepartmental review team is extended to September 13, 2008.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill S. 1131 was ordered to be engrossed for a third reading, was read the third time; and passed, as follows:

S. 1131

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 ''Idaho Land Enhancement Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the agreement executed in April 2005 entitled ''Agreement to Initiate, Boise Foothills—Northern Idaho Land Exchange'', as modified by the agreement executed in March 2006 entitled ''Amendment No. 1'', and entered into by—

(A) the Bureau of Land Management;

(B) the Forest Service;

(C) the State; and

(D) the City.

(2) BUREAU OF LAND MANAGEMENT LAND.—The term ''Bureau of Land Management land'' means the approximately 605 acres of land administered by the Bureau of Land Management (including all appurtenances to the land) that is proposed to be acquired by the State, as identified in exhibit A2 of the Agreement and as generally depicted on the maps.

(3) BOARD.—The term ''Board'' means the Idaho State Board of Land Commissioners.

(4) CITY.—The term ''City'' means the city of Boise, Idaho.

(5) FEDERAL LAND.—The term ''Federal land'' means the Bureau of Land Management land and the National Forest System land.

(6) MAPS.—The term ''maps'' means maps 1 through 7 entitled ''Parcel Identification Map: Idaho Lands Enhancement Act Land Exchange'' and dated February 28, 2006.

(7) NATIONAL FOREST SYSTEM LAND.—The term ''National Forest System land'' means the approximately 7,220 acres of land (including all appurtenances to the land) that is—

(A) administered by the Secretary of Agriculture in the Idaho Panhandle National Forests and the Clearwater National Forest;

(B) proposed to be acquired by the State;

(C) identified in exhibit A2 of the Agreement; and

(D) generally depicted on the maps.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(9) STATE.—The term ''State'' means the State of Idaho, Department of Lands.

(10) STATE LAND.—The term ''State land'' means the approximately 11,815 acres of land (including all appurtenances to the land) administered by the State that is proposed to be acquired by the United States, as identified in exhibit A1 of the Agreement and as generally depicted on the maps.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—In accordance with the Agreement and this Act, if the State offers to convey the State land to the United States, the Secretary and the Secretary of Agriculture shall—

(1) accept the offer; and

(2) on receipt of title to the State land, simultaneously convey to the State the Federal land.

(b) VALID EXISTING RIGHTS.—The conveyance of the Federal land and State land shall be subject to all valid existing rights.

(c) EQUAL VALUE EXCHANGE.—

(1) IN GENERAL.—The value of the Federal land and State land to be exchanged under this Act—

(A) shall be equal; or

(B) shall be made equal in accordance with subsection (d).

(2) APPRAISALS.—The value of the Federal land and State land shall be determined in accordance with appraisals—

(A) conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice;

(B) reviewed by an interdepartmental review team comprised of representatives of Federal and State agencies; and

(C) approved by the Secretary or the Secretary of Agriculture, as appropriate.

(3) TERM OF APPROVAL.—The term of approval of the appraisals by the interdepartmental review team is extended to September 13, 2008.

(d) CASH EQUALIZATION.—

(1) IN GENERAL.—If the value of the Federal land and State land is not equal, the value may be equalized by the payment of cash to the United States or to the State, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(2) DISPOSITION AND USE OF PROCEEDS.—

(A) DISPOSITION OF PROCEEDS.—Any cash equalization payments received by the United States under paragraph (1) shall be deposited in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a).

(B) USE OF PROCEEDS.—Amounts deposited under subparagraph (A) shall be available to the Secretary of Agriculture, without further appropriation and until expended, for the acquisition of land and interests in land for addition to the National Forest System in the State.

(e) TIMING.—It is the intent of Congress that the land exchange authorized and directed by this Act shall be completed not later than 180 days after the date of enactment of this Act.

(f) RIGHTS-OF-WAY.—

(1) RIGHTS-OF-WAY TO NATIONAL FOREST SYSTEM LAND.—The Secretary of Agriculture, under the authority of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), shall convey to the State any easements or other rights-of-way to National Forest System land that are—

(A) appropriate to provide access to the National Forest System land acquired by the State; and

(B) agreed to by the Secretary of Agriculture and the State.

(2) RIGHTS-OF-WAY TO STATE LAND.—The State shall convey to the United States any easements or other rights-of-way to land owned by the State that are—

(A) appropriate to provide access to the State land acquired by the United States; and

(B) agreed to by—

(i) the Secretary or the Secretary of Agriculture; and

(ii) the State.

(g) COSTS.—The City, either directly or through a collection agreement with the Secretary and the Secretary of Agriculture, shall pay the administrative costs associated with the conveyance of the Federal land and State land, including the costs of any field inspections, environmental analyses, appraisals, title examinations, and deed and patent preparations.

SEC. 4. MANAGEMENT OF FEDERAL LAND.

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(1) IN GENERAL.—There is transferred from the Secretary to the Secretary of Agriculture administrative jurisdiction over the land described in paragraph (2).

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 2,110 acres of land that is administered by the Bureau of Land Management and located in Shoshone County, Idaho, as generally identified in exhibit A3 of the Agreement.

(3) WILDERNESS STUDY AREAS.—Any land designated as a Wilderness Study Area that is transferred to the Secretary of Agriculture under paragraph (1) shall be managed in a manner that preserves the suitability of land for designation as wilderness until Congress determines otherwise.

(b) ADDITIONS TO THE NATIONAL FOREST SYSTEM.—The Secretary of Agriculture shall administer any land transferred to, or conveyed to the United States for administration by, the Secretary of Agriculture in accordance with—

(1) the Act of March 1, 1911 (commonly known as the ''Weeks Act'') (16 U.S.C. 480 et seq.); and

(2) the laws (including regulations) applicable to the National Forest System.

(c) LAND TO BE MANAGED BY THE SECRETARY.—The Secretary shall administer any State land conveyed to the United States under this Act for administration by the Secretary in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) other applicable laws.

(d) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Idaho Panhandle National Forests and the Clearwater National Forest shall be considered to be the boundaries of the Idaho Panhandle National Forests and the Clearwater National Forest, respectively, as of January 1, 1965.

SEC. 5. MISCELLANEOUS PROVISIONS.

(a) LEGAL DESCRIPTIONS.—The Secretary, the Secretary of Agriculture, and the Board may modify the descriptions of land specified in the Agreement to—

(1) correct errors; or

(2) make minor adjustments to the parcels based on a survey or other means.

(b) REVOCATION OF ORDERS.—Subject to valid existing rights, any public land orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(c) WITHDRAWALS.—

(1) FEDERAL LAND.—Subject to valid existing rights, pending completion of the land exchange, the Federal land is withdrawn from—

(A) all forms of location, entry, and patent under the mining and public land laws; and

(B) disposition under the mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(2) STATE LAND.—Subject to valid existing rights, the land transferred to the United States under this Act is withdrawn from—

(A) all forms of location, entry, and patent under the mining and public land laws; and

(B) disposition under the mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(3) EFFECT.—Nothing in this section precludes the Secretary or the Secretary of Agriculture from using common varieties of mineral materials for construction and maintenance of Federal roads and facilities on the State land acquired under this Act.

NATURAL RESOURCE PROTECTION COOPERATIVE AGREEMENT ACT

The Senate proceeded to consider the bill (S. 1288) to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows: (The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 1288

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 ''Natural Resource Protection Cooperative Agreement Act''.

SEC. 2. COOPERATIVE AGREEMENTS FOR NATIONAL PARK NATURAL RESOURCE PROTECTION.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the ''Secretary'') may enter into cooperative agreements with State, local, or tribal governments, *other Federal agencies*, other public entities, educational institutions, private nonprofit organizations, or willing private landowners to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of National Park System units.

(b) TERMS AND CONDITIONS.—A cooperative agreement entered into under subsection (a) shall—

(1) provide for—

[(A) the conservation of natural resources in units of the National Park System;**]**

(A) clear and direct benefits to natural resources of a unit of the National Park System;

(B) the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands;

(C) preventing, controlling or eradicating invasive exotic species that occupy land within a unit of the National Park System or adjacent to a unit of the National Park System; or

(D) restoration of natural resources, including native wildlife habitat;

(2) include a statement of purpose demonstrating how the agreement will—

(A) enhance science-based natural resource stewardship at the unit of the National Park System; and

(B) benefit the parties to the agreement;

(3) specify any staff required and technical assistance to be provided by the Secretary or other parties to the agreement in support of activities inside and outside the unit of the National Park System that will—

(A) protect natural resources of the unit; and

(B) benefit the parties to the agreement;

(4) identify any materials, supplies, or equipment that will be contributed by the parties to the agreement or by other Federal agencies;

(5) describe any financial assistance to be provided by the Secretary or the partners to implement the agreement;

(6) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to support the purposes of natural resource stewardship at a unit of the National Park System; and

(7) shall include such terms and conditions that are agreed to by the Secretary and the other parties to the agreement.

(c) LIMITATIONS.—The Secretary shall not use any amounts associated with an agreement entered into under subsection **[**(b)**]** *(a)* for the purposes of land acquisition, regulatory activity, or the development, maintenance, or operation of infrastructure, except for ancillary support facilities that the Secretary determines to be necessary for the completion of projects or activities identified in the agreement.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendments were agreed to.

The bill S. 1288 was ordered to be engrossed for a third reading, was read the third time; and passed, as follows:

S. 1288

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 ''Natural Resource Protection Cooperative Agreement Act''.

SEC. 2. COOPERATIVE AGREEMENTS FOR NATIONAL PARK NATURAL RESOURCE PROTECTION.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the ''Secretary'') may enter into cooperative agreements with State, local, or tribal governments, other Federal agencies, other public entities, educational institutions, private nonprofit organizations, or willing private landowners to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of National Park System units.

(b) TERMS AND CONDITIONS.—A cooperative agreement entered into under subsection (a) shall—

(1) provide for—

(A) clear and direct benefits to natural resources of a unit of the National Park System;

(B) the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands;

(C) preventing, controlling or eradicating invasive exotic species that occupy land within a unit of the National Park System or adjacent to a unit of the National Park System; or

(D) restoration of natural resources, including native wildlife habitat;

(2) include a statement of purpose demonstrating how the agreement will—

(A) enhance science-based natural resource stewardship at the unit of the National Park System; and

(B) benefit the parties to the agreement;

(3) specify any staff required and technical assistance to be provided by the Secretary or other parties to the agreement in support of activities inside and outside the unit of the National Park System that will—

(A) protect natural resources of the unit; and

(B) benefit the parties to the agreement;

(4) identify any materials, supplies, or equipment that will be contributed by the parties to the agreement or by other Federal agencies;

(5) describe any financial assistance to be provided by the Secretary or the partners to implement the agreement;

(6) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to support the purposes of natural resource stewardship at a unit of the National Park System; and

(7) shall include such terms and conditions that are agreed to by the Secretary and the other parties to the agreement.

(c) LIMITATIONS.—The Secretary shall not use any amounts associated with an agreement entered into under subsection (a) for the purposes of land acquisition, regulatory activity, or the development, maintenance, or operation of infrastructure, except for ancillary support facilities that the Secretary determines to be necessary for the completion of projects or activities identified in the agreement.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

MICHIGAN LIGHTHOUSE AND MARITIME HERITAGE ACT

The Senate proceeded to consider the bill (S. 1346) to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Michigan Lighthouse and Maritime Heritage Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STATE.—The term ''State'' means the State of Michigan.

SEC. 3. STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the State, the State Historic Preservation Officer, and other appropriate State and local public agencies and private organizations, shall conduct a special resource study of resources related to the maritime heritage of the State.

(b) PURPOSE.—The purpose of the study is to determine—

(1) suitable and feasible options for the long-term protection of significant maritime heritage resources in the State; and

(2) the manner in which the public can best learn about and experience the resources.

(c) REQUIREMENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) review Federal, State, and local maritime resource inventories and studies to establish the potential for interpretation and preservation of maritime heritage resources in the State;

(2) recommend management alternatives that would be most effective for long-term resource protection and providing for public enjoyment of maritime heritage resources;

(3) address how to assist regional, State, and local partners in increasing public awareness of and access to maritime heritage resources;

(4) identify sources of financial and technical assistance available to communities for the preservation and interpretation of maritime heritage resources; and

(5) identify opportunities for the National Park Service and the State to coordinate the activities of appropriate units of national, State, and local parks and historic sites in furthering the preservation and interpretation of maritime heritage resources.

(d) REPORT.—Not later than 3 years after the date on which funds are made available to carry out the study under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes—

(1) the results of the study; and

(2) any findings and recommendations of the Secretary.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendment in the nature of a substitute was agreed to.

The bill S. 1346 was ordered to be engrossed for a third reading, was read the third time; and passed.

NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS ACT OF 2005

The Senate proceeded to consider the bill (S. 1378) to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1378

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

SECTION 1. NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Historic Preservation Act Amendments Act of **[**2005**]** *2006*''.

(b) REFERENCE.—A reference in this Act to ''the Act'' shall be a reference to the National Historic Preservation Act *(16 U.S.C. 470 et seq.)*.

(c) HISTORIC PRESERVATION FUND.—Section 108 of the Act (16 U.S.C. 470h) is amended by striking ''2005'' and inserting ''**[**2011**]** *2015*''.

(d) MEMBERSHIP OF ADVISORY COUNCIL ON HISTORIC PRESERVATION.—

(1) ADDITIONAL MEMBERS.—Section 201(a)(4) of the Act (16 U.S.C. 470i(a)(4)) is amended by striking ''four'' and inserting ''seven''.

(2) ALLOWING DESIGNEE FOR GOVERNOR MEMBER.—Section 201(b) of the Act (16 U.S.C. 470i(b)) is amended by striking ''(5) and''.

(3) QUORUM.—Section 201(f) of the Act (16 U.S.C. 470i(f)) is amended by striking ''Nine'' and inserting ''**[**Eleven**]** *12*''.

(e) FINANCIAL AND ADMINISTRATIVE SERVICES FOR THE ADVISORY COUNCIL ON HISTORIC PRESERVATION.—Section 205(f) of the Act (16 U.S.C. 470m(f)) is amended to read as follows:

''(f) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior or, at the discretion of the Council, such other agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance or by reimbursement from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the head of the agency or, in the case of a private entity, the authorized representative of the private entity that will provide the services. When a Federal agency affords such services, the regulations of that agency for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 5514(b)) shall apply to the collection of erroneous payments made to or on behalf of a Council employee and regulations of that agency for the administrative control of funds (31 U.S.C. 1513(d), 1514) shall apply to appropriations of the Council. The Council shall not be required to prescribe such regulations.''.

[(f) DONATION AUTHORITY OF THE ADVISORY COUNCIL ON HISTORIC PRESERVATION. Section 205(g) of the Act (16 U.S.C. 470m(g)) is amended—

[(1) by striking ''obtain,'' and inserting ''solicit and obtain,''; and

[(2) by striking ''may also receive'' and inserting ''may also solict and receive''.

[(g)**]** *(f)* APPROPRIATION AUTHORIZATION OF THE ADVISORY COUNCIL ON HISTORIC PRESERVATION.—Section 212(a) of the Act (16 U.S.C. 470t(a)) is amended by striking ''for purposes of this title not to exceed $4,000,000 for each fiscal year 1997 through 2005'' and inserting ''such amounts as may be necessary to carry out this title''.

[(h)**]** *(g)* EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS IN MEETING THE PURPOSES AND POLICIES OF THE NATIONAL HISTORIC PRESERVATION ACT.—Title II of the Act is amended by adding at the end the following new section:

''SEC. 216. EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS.

''(a) COOPERATIVE AGREEMENTS.—The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the

purpose of improving the effectiveness of the administration of such program in meeting the purposes and policies of this Act. Such cooperative agreements may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this Act or that allow the Council to participate in the selection of recipients, if such provisions are not inconsistent with the grant or assistance program's statutory authorization and purpose.

''(b) REVIEW OF GRANT AND ASSISTANCE PROGRAMS.—The Council may—

''(1) review the operation of any Federal grant or assistance program to evaluate the effectiveness of such program in meeting the purposes and policies of this Act;

''(2) make recommendations to the head of any Federal agency that administers such program to further the consistency of the program with the purposes and policies of the Act and to improve its effectiveness in carrying out those purposes and policies; and

''(3) make recommendations to the President and Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this Act, including recommendations with regard to appropriate funding levels.''.

The committee amendments were agreed to.

The bill S. 1378 was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1378

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

SECTION 1. NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Historic Preservation Act Amendments Act of 2006''.

(b) REFERENCE.—A reference in this Act to ''the Act'' shall be a reference to the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(c) HISTORIC PRESERVATION FUND.—Section 108 of the Act (16 U.S.C. 470h) is amended by striking ''2005'' and inserting ''2015''.

(d) MEMBERSHIP OF ADVISORY COUNCIL ON HISTORIC PRESERVATION.—

(1) ADDITIONAL MEMBERS.—Section 201(a)(4) of the Act (16 U.S.C. 470i(a)(4)) is amended by striking ''four'' and inserting ''seven''.

(2) ALLOWING DESIGNEE FOR GOVERNOR MEMBER.—Section 201(b) of the Act (16 U.S.C. 470i(b)) is amended by striking ''(5) and''.

(3) QUORUM.—Section 201(f) of the Act (16 U.S.C. 470i(f)) is amended by striking ''Nine'' and inserting ''12''.

(e) FINANCIAL AND ADMINISTRATIVE SERVICES FOR THE ADVISORY COUNCIL ON HISTORIC PRESERVATION.—Section 205(f) of the Act (16 U.S.C. 470m(f)) is amended to read as follows:

''(f) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior or, at the discretion of the Council, such other agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance or by reimbursement from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the head of the agency or, in the case of a private entity, the authorized representative of the private entity that will provide the services. When a Federal agency affords such services, the regulations of that agency for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 5514(b)) shall apply to the collection of erroneous payments made to or on behalf of a Council employee and regulations of that agency for the administrative control of funds (31 U.S.C. 1513(d), 1514) shall apply to appropriations of the Council. The Council shall not be required to prescribe such regulations.''.

(f) APPROPRIATION AUTHORIZATION OF THE ADVISORY COUNCIL ON HISTORIC PRESERVATION.—Section 212(a) of the Act (16 U.S.C. 470t(a)) is amended by striking ''for purposes of this title not to exceed $4,000,000 for each fiscal year 1997 through 2005'' and inserting ''such amounts as may be necessary to carry out this title''.

(g) EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS IN MEETING THE PURPOSES AND POLICIES OF THE NATIONAL HISTORIC PRESERVATION ACT.—Title II of the Act is amended by adding at the end the following new section:

''SEC. 216. EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS.

''(a) COOPERATIVE AGREEMENTS.—The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of such program in meeting the purposes and policies of this Act. Such cooperative agreements may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this Act or that allow the Council to participate in the selection of recipients, if such provisions are not inconsistent with the grant or assistance program's statutory authorization and purpose.

''(b) REVIEW OF GRANT AND ASSISTANCE PROGRAMS.—The Council may—

''(1) review the operation of any Federal grant or assistance program to evaluate the effectiveness of such program in meeting the purposes and policies of this Act;

''(2) make recommendations to the head of any Federal agency that administers such program to further the consistency of the program with the purposes and policies of the Act and to improve its effectiveness in carrying out those purposes and policies; and

''(3) make recommendations to the President and Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this Act, including recommendations with regard to appropriate funding levels.''.

REPEAL OF CERTAIN SECTIONS OF AN ACT PERTAINING TO THE VIRGIN ISLANDS

The bill (S. 1829), to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1829

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

SECTION 1. REPEAL OF CERTAIN LAWS PERTAINING TO THE VIRGIN ISLANDS.

(a) REPEAL.—Sections 1 through 6 of the Act of May 26, 1936 (48 U.S.C. 1401 et seq.), are repealed.

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on July 22, 1954.

COMPACT OF FREE ASSOCIATION AMENDMENTS ACT OF 2005

The Senate proceeded to consider the bill (S. 1830) to amend the Compact of Free Association Amendments Act of 2003, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 1830

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 ''Compacts of Free Association Amendments Act of 2005''.

SEC. 2. APPROVAL OF AGREEMENTS.

Section 101 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921) is amended—

(1) in the first sentence of subsection (a), by inserting before the period at the end the following: '', including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Federated States of Micronesia, as amended under the Agreement to Amend Article X that was signed by those 2 Governments on June 30, 2004, which shall serve as the authority to implement the provisions thereof''; and

(2) in the first sentence of subsection (b), by inserting before the period at the end the following: '', including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Republic of the Marshall Islands, as amended under the Agreement to Amend Article X that was signed by those 2 Governments on June 18, 2004, which shall serve as the authority to implement the provisions thereof''.

SEC. 3. CONFORMING AMENDMENT.

Section 105(f)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)) is amended by striking subparagraph (A) and inserting the following:

''(A) EMERGENCY AND DISASTER ASSISTANCE.—

''(i) IN GENERAL.—Subject to clause (ii), section 221(a)(6) of the U.S.-FSM Compact and section 221(a)(5) of the U.S.-RMI Compact shall each be construed and applied in accordance with the 2 Agreements to Amend Article X of the Federal Programs and Service Agreements signed on June 30, 2004, and on June 18, 2004, respectively.

''(ii) DEFINITION OF WILL PROVIDE FUNDING.—In the second sentence of paragraph 12 of each of the Agreements described in clause (i), the term 'will provide funding' means will provide funding through a transfer of funds using Standard Form 1151 or a similar document or through an interagency, reimbursable agreement.''.

SEC. 4. CLARIFICATIONS REGARDING PALAU.

Section 105(f)(1)(B) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)) is amended—

(1) in clause (ii)(II), by striking ''and its territories'' and inserting '', its territories, and the Republic of Palau'';

(2) in **[**clause (iii)**]** *clause (iii)(II)*, by striking '', or the Republic of the Marshall Islands'' and inserting '', the Republic of the Marshall Islands, or the Republic of Palau''; and

(3) in clause (ix)—

(A) by striking ''Republic'' both places it appears and inserting ''government, institutions, and people''; **[**and**]**

(B) by striking ''2007'' and inserting ''2009''; and

[(B)**]** *(C)* by striking ''was'' and inserting ''were''.

SEC. 5. AVAILABILITY OF LEGAL SERVICES.

Section 105(f)(1)(C) of the Compact of Free Association Amendments Act of 2003 (48

U.S.C. 1921d(f)(1)(C)) is amended by inserting before the period at the end the following: '', which shall also continue to be available to the citizens of the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands who *legally* reside in the United States (including territories and possessions)''.

SEC. 6. TECHNICAL AMENDMENTS.

(a) TITLE I.—

(1) SECTION 177 AGREEMENT.—Section 103(c)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(c)(1)) is amended by striking ''section 177'' and inserting ''Section 177''.

(2) INTERPRETATION AND UNITED STATES POLICY.—Section 104 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c) is amended—

(A) in subsection (b)(1), by inserting ''the'' before ''U.S.-RMI Compact,'';

(B) in subsection (e)—

(i) in the matter preceding subparagraph (A) of paragraph (8) , by striking ''to include'' and inserting ''and include'';

(ii) in paragraph (9)(A), by inserting a comma after ''may''; and

(iii) in paragraph (10), by striking ''related to service'' and inserting ''related to such services''; and

(C) in the first sentence of subsection (j), by inserting ''the'' before ''Interior''.

(3) SUPPLEMENTAL PROVISIONS.—Section 105(b)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(b)(1)) is amended by striking ''Trust Fund'' and inserting ''Trust Funds''.

(b) TITLE II.—

(1) U.S.-FSM COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia (as provided in section 201(a) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2757)) is amended—

(A) in section 174—

(i) in subsection (a), by striking ''courts'' and inserting ''court''; and

(ii) in subsection (b)(2), by striking ''the'' before ''November'';

(B) in section 177(a), by striking '', or Palau'' and inserting ''(or Palau)'';

(C) in section 179(b), strike ''amended Compact'' and inserting ''Compact, as amended,'';

(D) in section 211—

(i) in the fifth sentence of subsection (a), by striking ''Trust Fund Agreement,'' and inserting ''Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund (Trust Fund Agreement),'';

(ii) in subsection (b)—

(I) in the first sentence, by striking ''Government of the'' before ''Federated''; and

[(II) in the second sentence, by striking ''Sections 321 and 323 of the Compact'' and inserting ''Sections 211(b), 321, and 323. The Compact, as amended,''; and]

(II) in the second sentence, by striking ''Sections 321 and 323 of the Compact of Free Association, as Amended'' and inserting ''Sections 211(b), 321, and 323 of the Compact of Free Association, as amended,''; and

(iii) in the last sentence of subsection (d), by inserting before the period at the end the following: ''and the Federal Programs and Services Agreement referred to in section 231'';

(E) in the first sentence of section 215(b), by striking ''subsection(a)'' and inserting ''subsection (a)'';

(F) in section 221—

(i) in subsection (a)(6), by inserting ''(Federal Emergency Management Agency)'' after ''Homeland Security''; and

(ii) in the first sentence of subsection (c), by striking ''agreements'' and inserting ''agreement'';

(G) in the second sentence of section 222, by inserting ''in'' after ''referred to'';

(H) in the second sentence of [the first undesignated paragraph of] section 232, by striking ''sections 102 (c)'' and all that follows through ''January 14, 1986)'' and inserting ''section 102(b) of Public Law 108-188, 117 Stat. 2726, December 17, 2003'';

(I) in the second sentence of section 252, by inserting '', as amended,'' after ''Compact'';

(J) in the first sentence of the first undesignated paragraph of section 341, by striking ''Section 141'' and inserting ''section 141'';

(K) in section 342—

(i) in subsection (a), by striking ''14 U.S.C. 195'' and inserting ''section 195 of title 14, United States Code''; and

(ii) in subsection (b)—

(I) by striking ''46 U.S.C. 1295(b)(6)'' and inserting ''section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))''; and

(II) by striking ''46 U.S.C. 1295b(b)(6)(C)'' and inserting ''section 1303(b)(6)(C) of that Act'';

(L) in the third sentence of section 354(a), by striking ''section 442 and 452'' and inserting ''sections 442 and 452'';

(M) in section 461(h), by striking ''Telecommunications'' and inserting ''Telecommunication'';

(N) in section 462(b)(4), by striking ''of Free Association'' the second place it appears; and

(O) in section 463(b), by striking ''Articles IV'' and inserting ''Article IV''.

(2) U.S.-RMI COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands (as provided in section 201(b) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2795)) is amended—

(A) in section 174(a), by striking ''court'' and inserting ''courts'';

(B) in section 177(a), by striking the comma before ''(or Palau)'';

(C) in section 179(b), by striking ''amended Compact,'' and inserting ''Compact, as amended,'';

(D) in section 211—

(i) in the first sentence of subsection (b), by striking ''Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Miliary Use and Operating Rights'' and inserting ''Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Republic of the Marshall Islands concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended (Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights)''; and

(ii) in the last sentence of subsection (e), by inserting before the period at the end the following: ''and the Federal Programs and Services Agreement referred to in section 231'';

(E) in section 221(a)—

(i) in the matter preceding paragraph (1), by striking ''Section 231'' and inserting ''section 231''; and

(ii) in paragraph (5), by inserting ''(Federal Emergency Management Agency)'' after ''Homeland Security'';

(F) in the second sentence of section 232, by striking ''sections 103(m)'' and all that follows through ''(January 14, 1986)'' and inserting ''section 103(k) of Public Law 108-188, 117 Stat. 2734, December 17, 2003'';

(G) in the first sentence of section 341, by striking ''Section 141'' and inserting ''section 141'';

(H) in section 342—

(i) in subsection (a), by striking ''14 U.S.C. 195'' and inserting ''section 195 of title 14, United States Code''; and

(ii) in subsection (b)—

(I) by striking ''46 U.S.C. 1295(b)(6)'' and inserting ''section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))''; and

(II) by striking ''46 U.S.C. 1295b(b)(6)(C)'' and inserting ''section 1303(b)(6)(C) of that Act'';

(I) in the third sentence of section 354(a), by striking ''section 442 and 452'' and inserting ''sections 442 and 452'';

(J) in the first sentence of section 443, by inserting '', as amended,'' after ''the Compact'';

(K) in the matter preceding paragraph (1) of section 461(h)—

(i) by striking ''1978'' and inserting ''1998''; and

(ii) by striking ''Telecommunications'' and inserting ''Telecommunication''; and

(L) in section 463(b), by striking ''Article'' and inserting ''Articles''.

SEC. 7. TRANSMISSION OF VIDEOTAPE PROGRAMMING.

Section 111(e)(2) of title 17, United States Code, is amended by striking ''or the Trust Territory of the Pacific Islands'' and inserting ''the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands''.

SEC. 8. PALAU ROAD MAINTENANCE.

The Government of the Republic of Palau may deposit the payment otherwise payable to the Government of the United States under section 111 of Public Law 101–219 (48 U.S.C. 1960) into a trust fund if—

(1) the earnings of the trust fund are expended solely for maintenance of the road system constructed pursuant to section 212 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note); and

(2) the trust fund is established and operated pursuant to an agreement entered into between the Government of the United States and the Government of the Republic of Palau.

The amendment (No. 5109) was agreed to, as follows:

On page 7, between lines 1 and 2, insert the following:

(i) in the fourth sentence of subsection (a), by striking ''Compact, as Amended, of Free Association'' and inserting ''Compact of Free Association, as amended'';

On page 7, line 2, strike ''(i)'' and insert ''(ii)''.

On page 7, line 11, strike ''(ii)'' and insert ''(iii)''.

On page 8, line 1, strike ''(iii)'' and insert ''(iv)''.

On page 10, between lines 17 and 18, insert the following:

(i) in the fourth sentence of subsection (a), by striking ''Compact, as Amended, of Free Association'' and inserting ''Compact of Free Association, as amended'';

On page 10, line 18, strike ''(i)'' and insert ''(ii)''.

On page 11, line 9, strike ''(ii)'' and insert ''(iii)''.

On page 12, strike line 21 and insert the following: ''inserting ', as amended.' after 'the Compact';''.

On page 13, strike line 2 and insert the following: ''and inserting 'Telecommunication Union'; and''.

On page 13, after line 25, add the following:

SEC. 9. CLARIFICATION OF TAX-FREE STATUS OF TRUST FUNDS.

In the U.S.–RMI Compact, the U.S.–FSM Compact, and their respective trust fund

subsidiary agreements, for the purposes of taxation by the United States or its subsidiary jurisdictions, the term ''State'' means ''State, territory, or the District of Columbia''.

The committee amendments were agreed to.

The bill S. 1830 was ordered to be engrossed for a third reading, was read the third time; and passed, as follows:

S. 1830

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 ''Compacts of Free Association Amendments Act of 2005''.

SEC. 2. APPROVAL OF AGREEMENTS.

Section 101 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921) is amended—

(1) in the first sentence of subsection (a), by inserting before the period at the end the following: '', including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Federated States of Micronesia, as amended under the Agreement to Amend Article X that was signed by those 2 Governments on June 30, 2004, which shall serve as the authority to implement the provisions thereof''; and

(2) in the first sentence of subsection (b), by inserting before the period at the end the following: '', including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Republic of the Marshall Islands, as amended under the Agreement to Amend Article X that was signed by those 2 Governments on June 18, 2004, which shall serve as the authority to implement the provisions thereof''.

SEC. 3. CONFORMING AMENDMENT.

Section 105(f)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)) is amended by striking subparagraph (A) and inserting the following:

''(A) EMERGENCY AND DISASTER ASSISTANCE.—

''(i) IN GENERAL.—Subject to clause (ii), section 221(a)(6) of the U.S.–FSM Compact and section 221(a)(5) of the U.S.–RMI Compact shall each be construed and applied in accordance with the 2 Agreements to Amend Article X of the Federal Programs and Service Agreements signed on June 30, 2004, and on June 18, 2004, respectively.

''(ii) DEFINITION OF WILL PROVIDE FUNDING.—In the second sentence of paragraph 12 of each of the Agreements described in clause (i), the term 'will provide funding' means will provide funding through a transfer of funds using Standard Form 1151 or a similar document or through an interagency, reimbursable agreement.''.

SEC. 4. CLARIFICATIONS REGARDING PALAU.

Section 105(f)(1)(B) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)) is amended—

(1) in clause (ii)(II), by striking ''and its territories'' and inserting '', its territories, and the Republic of Palau'';

(2) in clause (iii)(II), by striking '', or the Republic of the Marshall Islands'' and inserting '', the Republic of the Marshall Islands, or the Republic of Palau''; and

(3) in clause (ix)—

(A) by striking ''Republic'' both places it appears and inserting ''government, institutions, and people'';

(B) by striking ''2007'' and inserting ''2009''; and

(C) by striking ''was'' and inserting ''were''.

SEC. 5. AVAILABILITY OF LEGAL SERVICES.

Section 105(f)(1)(C) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(C)) is amended by inserting before the period at the end the following: '', which shall also continue to be available to the citizens of the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands who legally reside in the United States (including territories and possessions)''.

SEC. 6. TECHNICAL AMENDMENTS.

(a) TITLE I.—

(1) SECTION 177 AGREEMENT.—Section 103(c)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(c)(1)) is amended by striking ''section 177'' and inserting ''Section 177''.

(2) INTERPRETATION AND UNITED STATES POLICY.—Section 104 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c) is amended—

(A) in subsection (b)(1), by inserting ''the'' before ''U.S.–RMI Compact,'';

(B) in subsection (e)—

(i) in the matter preceding subparagraph (A) of paragraph (8), by striking ''to include'' and inserting ''and include'';

(ii) in paragraph (9)(A), by inserting a comma after ''may''; and

(iii) in paragraph (10), by striking ''related to service'' and inserting ''related to such services''; and

(C) in the first sentence of subsection (j), by inserting ''the'' before ''Interior''.

(3) SUPPLEMENTAL PROVISIONS.—Section 105(b)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(b)(1)) is amended by striking ''Trust Fund'' and inserting ''Trust Funds''.

(b) TITLE II.—

(1) U.S.–FSM COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia (as provided in section 201(a) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2757)) is amended—

(A) in section 174—

(i) in subsection (a), by striking ''courts'' and inserting ''court''; and

(ii) in subsection (b)(2), by striking ''the'' before ''November'';

(B) in section 177(a), by striking '', or Palau'' and inserting ''(or Palau)'';

(C) in section 179(b), strike ''amended Compact'' and inserting ''Compact, as amended,'';

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking ''Compact, as Amended, of Free Association'' and inserting ''Compact of Free Association, as amended'';

(ii) in the fifth sentence of subsection (a), by striking ''Trust Fund Agreement,'' and inserting ''Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund (Trust Fund Agreement),'';

(iii) in subsection (b)—

(I) in the first sentence, by striking ''Government of the'' before ''Federated''; and

(II) in the second sentence, by striking ''Sections 321 and 323 of the Compact of Free Association, as Amended'' and inserting ''Sections 211(b), 321, and 323 of the Compact of Free Association, as amended,''; and

(iv) in the last sentence of subsection (d), by inserting before the period at the end the following: ''and the Federal Programs and Services Agreement referred to in section 231'';

(E) in the first sentence of section 215(b), by striking ''subsection(a)'' and inserting ''subsection (a)'';

(F) in section 221—

(i) in subsection (a)(6), by inserting ''(Federal Emergency Management Agency)'' after ''Homeland Security''; and

(ii) in the first sentence of subsection (c), by striking ''agreements'' and inserting ''agreement'';

(G) in the second sentence of section 222, by inserting ''in'' after ''referred to'';

(H) in the second sentence of section 232, by striking ''sections 102 (c)'' and all that follows through ''January 14, 1986)'' and inserting ''section 102(b) of Public Law 108–188, 117 Stat. 2726, December 17, 2003'';

(I) in the second sentence of section 252, by inserting '', as amended,'' after ''Compact'';

(J) in the first sentence of the first undesignated paragraph of section 341, by striking ''Section 141'' and inserting ''section 141'';

(K) in section 342—

(i) in subsection (a), by striking ''14 U.S.C. 195'' and inserting ''section 195 of title 14, United States Code''; and

(ii) in subsection (b)—

(I) by striking ''46 U.S.C. 1295(b)(6)'' and inserting ''section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))''; and

(II) by striking ''46 U.S.C. 1295b(b)(6)(C)'' and inserting ''section 1303(b)(6)(C) of that Act'';

(L) in the third sentence of section 354(a), by striking ''section 442 and 452'' and inserting ''sections 442 and 452'';

(M) in section 461(h), by striking ''Telecommunications'' and inserting ''Telecommunication'';

(N) in section 462(b)(4), by striking ''of Free Association'' the second place it appears; and

(O) in section 463(b), by striking ''Articles IV'' and inserting ''Article IV''.

(2) U.S.–RMI COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands (as provided in section 201(b) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2795)) is amended—

(A) in section 174(a), by striking ''court'' and inserting ''courts'';

(B) in section 177(a), by striking the comma before ''(or Palau)'';

(C) in section 179(b), by striking ''amended Compact,'' and inserting ''Compact, as amended,'';

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking ''Compact, as Amended, of Free Association'' and inserting ''Compact of Free Association, as amended'';

(ii) in the first sentence of subsection (b), by striking ''Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Miliary Use and Operating Rights'' and inserting ''Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Republic of the Marshall Islands concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended (Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights)''; and

(iii) in the last sentence of subsection (e), by inserting before the period at the end the following: ''and the Federal Programs and Services Agreement referred to in section 231'';

(E) in section 221(a)—

(i) in the matter preceding paragraph (1), by striking ''Section 231'' and inserting ''section 231''; and

(ii) in paragraph (5), by inserting ''(Federal Emergency Management Agency)'' after ''Homeland Security'';

(F) in the second sentence of section 232, by striking ''sections 103(m)'' and all that follows through ''(January 14, 1986)'' and inserting ''section 103(k) of Public Law 108–188, 117 Stat. 2734, December 17, 2003'';

(G) in the first sentence of section 341, by striking ''Section 141'' and inserting ''section 141'';

(H) in section 342—

(i) in subsection (a), by striking ''14 U.S.C. 195'' and inserting ''section 195 of title 14, United States Code''; and

(ii) in subsection (b)—

(I) by striking ''46 U.S.C. 1295(b)(6)'' and inserting ''section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))''; and

(II) by striking ''46 U.S.C. 1295b(b)(6)(C)'' and inserting ''section 1303(b)(6)(C) of that Act'';

(I) in the third sentence of section 354(a), by striking ''section 442 and 452'' and inserting ''sections 442 and 452'';

(J) in the first sentence of section 443, by inserting '', as amended.'' after ''the Compact'';

(K) in the matter preceding paragraph (1) of section 461(h)—

(i) by striking ''1978'' and inserting ''1998''; and

(ii) by striking ''Telecommunications'' and inserting ''Telecommunication Union''; and

(L) in section 463(b), by striking ''Article'' and inserting ''Articles''.

SEC. 7. TRANSMISSION OF VIDEOTAPE PROGRAMMING.

Section 111(e)(2) of title 17, United States Code, is amended by striking ''or the Trust Territory of the Pacific Islands'' and inserting ''the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands''.

SEC. 8. PALAU ROAD MAINTENANCE.

The Government of the Republic of Palau may deposit the payment otherwise payable to the Government of the United States under section 111 of Public Law 101–219 (48 U.S.C. 1960) into a trust fund if—

(1) the earnings of the trust fund are expended solely for maintenance of the road system constructed pursuant to section 212 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note); and

(2) the trust fund is established and operated pursuant to an agreement entered into between the Government of the United States and the Government of the Republic of Palau.

SEC. 9. CLARIFICATION OF TAX-FREE STATUS OF TRUST FUNDS.

In the U.S.–RMI Compact, the U.S.–FSM Compact, and their respective trust fund subsidiary agreements, for the purposes of taxation by the United States or its subsidiary jurisdictions, the term ''State'' means ''State, territory, or the District of Columbia''.

DOROTHY BUELL MEMORIAL VISITOR CENTER LEASE ACT

The Senate proceeded to consider the bill (S. 1913) to authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Table of contents.

TITLE I—DOROTHY BUELL MEMORIAL VISITOR CENTER

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Memorandum of understanding.
Sec. 104. Lease agreement.
Sec. 105. Authorization of appropriations.

TITLE II—PUBLIC LAND TECHNICAL AMENDMENTS

Sec. 201. Short title.
Sec. 202. Gaylord Nelson Wilderness.
Sec. 203. Arlington House land transfer.
Sec. 204. Cumberland Island Wilderness.
Sec. 205. Petrified Forest boundary.
Sec. 206. Commemorative works.
Sec. 207. Ojito Wilderness.

TITLE I—DOROTHY BUELL MEMORIAL VISITOR CENTER

SEC. 101. SHORT TITLE.

This title may be cited as the ''Dorothy Buell Memorial Visitor Center Lease Act''.

SEC. 102. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the Porter County Convention, Recreation and Visitor Commission.

(2) LAKESHORE.—The term ''Lakeshore'' means the Indiana Dunes National Lakeshore.

(3) LAKESHORE CENTER.—The term ''Lakeshore Center'' means the visitor center for the Lakeshore authorized under section 104(a).

(4) MEMORIAL CENTER.—The term ''Memorial Center'' means the Dorothy Buell Memorial Visitor Center located south of the Lakeshore boundary on Indiana Route 49.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 103. MEMORANDUM OF UNDERSTANDING.

(a) IN GENERAL.—The Secretary may enter into a memorandum of understanding with the Commission to establish a joint partnership with respect to the management of the Memorial Center.

(b) REQUIREMENTS.—The memorandum of understanding shall—

(1) identify the overall goals and purposes of the Memorial Center;

(2) describe the allocation of management and operational duties between the Secretary and the Commission with respect to the Memorial Center;

(3) identify how activities of the Memorial Center will be funded;

(4) identify the parties responsible for providing amenities at the Memorial Center;

(5) establish procedures for changing or dissolving the joint partnership; and

(6) address any other issues determined to be appropriate by the Secretary or the Commission.

SEC. 104. LEASE AGREEMENT.

(a) IN GENERAL.—After entering into a memorandum of understanding under section 103(a), the Secretary may enter into an agreement with the Commission to lease space in the Memorial Center for use as a visitor center for the Lakeshore.

(b) STAFF.—The Secretary may use employees of the Lakeshore to provide visitor information and education at the Lakeshore Center.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this title.

TITLE II—PUBLIC LAND TECHNICAL AMENDMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Public Land Technical Amendments Act of 2006''.

SEC. 202. GAYLORD NELSON WILDERNESS.

(a) REDESIGNATION.—Section 140 of division E of the Consolidated Appropriations Act, 2005 (16 U.S.C. 1132 note; Public Law 108–447), is amended—

(1) in subsection (a), by striking ''Gaylord A. Nelson'' and inserting ''Gaylord Nelson''; and

(2) in subsection (c)(4), by striking ''Gaylord A. Nelson Wilderness'' and inserting ''Gaylord Nelson Wilderness''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the ''Gaylord A. Nelson Wilderness'' shall be deemed to be a reference to the ''Gaylord Nelson Wilderness''.

SEC. 203. ARLINGTON HOUSE LAND TRANSFER.

Section 2863(h)(1) of Public Law 107–107 (115 Stat. 1333) is amended by striking ''the George Washington Memorial Parkway'' and inserting ''Arlington House, the Robert E. Lee Memorial,''.

SEC. 204. CUMBERLAND ISLAND WILDERNESS.

Section 2(a)(1) of Public Law 97–250 (16 U.S.C. 1132 note; 96 Stat. 709) is amended by striking ''numbered 640/20,038I, and dated September 2004'' and inserting ''numbered 640/20,038K, and dated September 2005''.

SEC. 205. PETRIFIED FOREST BOUNDARY.

Section 2(1) of the Petrified Forest National Park Expansion Act of 2004 (16 U.S.C. 119 note) is amended by striking ''numbered 110/80,044, and dated July 2004'' and inserting ''numbered 110/80,045, and dated January 2005''.

SEC. 206. COMMEMORATIVE WORKS.

Section 8908(b)(1) of title 40, United States Code, is amended in the second sentence by striking ''House Administration'' and inserting ''Resources''.

SEC. 207. OJITO WILDERNESS.

Section 2(1) of the Ojito Wilderness Act (16 U.S.C. 1132 note; Public Law 109–94) is amended by striking ''October 1, 2004'' and inserting ''January 24, 2006''.

The amendment (No. 5110) was agreed to, as follows:

(Purpose: To strike the section relating to the Ojito Wilderness)

Strike the item in the table of contents relating to section 207.

Strike section 207.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill S. 1913 was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL PARK SYSTEM STUDY—CASTLE NUGENT FARMS, ST. CROIX, VIRGIN ISLANDS

The bill (H.R. 318) to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

YUMA CROSSING NATIONAL HERITAGE AREA ACT OF 2000 AMENDMENTS ACT

The bill (H.R. 326) to amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

SIERRA NATIONAL FOREST LAND EXCHANGE ACT OF 2005

The Senate proceeded to consider the bill (H.R. 409) to provide for the exchange of land within the Sierra National Forest, California, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sierra National Forest Land Exchange Act of 2006''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COUNCIL.—The term ''Council'' means the Sequoia Council of the Boy Scouts of America.

(2) FEDERAL LAND.—The term ''Federal land'' means the parcel of land comprising 160 acres and located in E½SW¼ and W½SE¼, sec. 30, T. 9 S., R. 25 E., Mt. Diablo Meridian, California.

(3) NON-FEDERAL LAND.—The term ''non-Federal land'' means a parcel of land comprising approximately 80 acres and located in N½NW¼, sec. 29, T. 8 S., R. 26 E., Mt. Diablo Meridian, California.

(4) PROJECT NO. 67.—The term ''Project No. 67'' means the hydroelectric project licensed pursuant to the Federal Power Act (16 U.S.C. 791a et seq.) as Project No. 67.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 3. LAND EXCHANGE, SIERRA NATIONAL FOREST, CALIFORNIA.

(a) EXCHANGE AUTHORIZED.—

(1) IN GENERAL.—If, during the 1-year period beginning on the date of enactment of this Act, the owner of the non-Federal land offers to convey to the United States title to the non-Federal land and to make a cash equalization payment of $50,000 to the United States, the Secretary shall convey to the owner of the non-Federal land, all right, title, and interest of the United States in and to the Federal land, except as provided in subsection (d), subject to valid existing rights, and under such terms and conditions as the Secretary may require.

(2) CORRECTION AND MODIFICATION OF LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—The Secretary, in consultation with the owner of the non-Federal land, may agree to make corrections to the legal descriptions of the Federal land and non-Federal land.

(B) MODIFICATIONS.—The Secretary and the owner of the non-Federal land may agree to make minor modifications to the legal descriptions if the modifications do not affect the overall value of the exchange by more than 5 percent.

(b) VALUATION OF LAND TO BE CONVEYED.—For purposes of this section, during the period referred to in subsection (a)(1)—

(1) the value of the non-Federal land shall be considered to be $200,000; and

(2) the value of the Federal land shall be considered to be $250,000.

(c) ADMINISTRATION OF LAND ACQUIRED BY UNITED STATES.—On acquisition by the Secretary, the Secretary shall manage the non-Federal land in accordance with—

(1) the Act of March 1, 1911 (commonly known as the ''Weeks Act'') (16 U.S.C. 480 et seq.); and

(2) any other laws (including regulations) applicable to the National Forest System.

(d) CONDITIONS ON CONVEYANCE OF FEDERAL LAND.—The conveyance by the Secretary under subsection (a) shall be subject to the conditions that—

(1) the recipient of the Federal land convey all 160 acres of the Federal land to the Council not later than 120 days after the date on which the recipient receives title to the Federal land;

(2) in accordance with section 4(a), the Secretary grant to the owner of Project No. 67 an easement; and

(3) in accordance with section 4(b), the owner of Project No. 67 has the right of first refusal regarding any reconveyance of the Federal land by the Council.

(e) DISPOSITION AND USE OF CASH EQUALIZATION FUNDS.—

(1) IN GENERAL.—The Secretary shall deposit the cash equalization payment received under subsection (a)(1) in the fund established by Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a).

(2) USE.—Amounts deposited under paragraph (1) shall be available to the Secretary until expended, without further appropriation, for the acquisition of land and any interests in land for the National Forest System in the State of California.

(f) COST COLLECTION FUNDS.—

(1) IN GENERAL.—The owner of the non-Federal land shall pay to the Secretary all direct costs associated with processing the land exchange under this section.

(2) COST COLLECTION ACCOUNT.—

(A) IN GENERAL.—Any amounts received by the Secretary under paragraph (1) shall be deposited in a cost collection account.

(B) USE.—Amounts deposited under subparagraph (A) shall be available to the Secretary until expended, without further appropriation, for the costs associated with the land exchange.

(C) REFUND.—The Secretary shall provide to the owner of the non-Federal land a refund of any amounts remaining in the cost collection account after completion of the land exchange that are not needed to cover expenses of the land exchange.

(g) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Sierra National Forest shall be considered to be the boundaries of the Sierra National Forest as of January 1, 1965.

SEC. 4. GRANT OF EASEMENT AND RIGHT OF FIRST REFUSAL.

(a) EASEMENT REQUIRED.—

(1) IN GENERAL.—As part of the exchange authorized by this Act, the Secretary shall, without consideration, grant to the owner of Project No. 67 an easement for the right to enter, occupy, and use for hydroelectric power purposes the Federal land currently within the licensed boundary for Project No. 67.

(2) REQUIRED TERMS AND CONDITIONS.—The easement granted under paragraph (1) shall contain such terms and conditions as are agreed to by the Secretary, the Council, and the owner of Project No. 67.

(b) RIGHT OF FIRST REFUSAL.—As a condition of the conveyance of the Federal land under section 3(a)(1) and the reconveyance of the Federal land to the Council, the Council shall provide to the owner of Project No. 67, under such terms and conditions as are agreed to by the Council and the owner of Project No. 67, a right of first refusal to obtain the Federal land, or portion of the Federal land, that the Council proposes to sell, transfer, or otherwise convey.

SEC. 5. EXERCISE OF DISCRETION.

In exercising any discretion necessary to carry out this Act, the Secretary shall ensure that the public interest is well served.

The amendment (No. 5111) was agreed to, as follows:

(Purpose: To modify the section relating to the grant of an easement and right of first refusal to the owner of Project No. 67)

Strike section 4 and insert the following:

SEC. 4. GRANT OF EASEMENT AND RIGHT OF FIRST REFUSAL.

In accordance with the agreement entered into by the Forest Service, the Council, and the owner of Project No. 67 entitled the ''Agreement to Convey Grant of Easement and Right of First Refusal'' and executed on April 17, 2006—

(1) the Secretary shall grant an easement to the owner of Project No. 67; and

(2) the Council shall grant a right of first refusal to the owner of Project No. 67.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill H.R. 409, as amended, was read the third time and passed.

UKRAINIAN MANMADE FAMINE MEMORIAL ESTABLISHMENT ACT

The bill (H.R. 562) to authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932–1933, was considered, ordered to a third reading, read the third time, and passed.

PITKIN COUNTY LAND EXCHANGE ACT OF 2005

The Senate proceeded to consider the bill (H.R. 1129), to authorize the exchange of certain land in the State of Colorado, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pitkin County Land Exchange Act of 2006''.

SEC. 2. PURPOSE.

The purpose of this Act is to authorize, direct, expedite, and facilitate the exchange of land between the United States, Pitkin County, Colorado, and the Aspen Valley Land Trust.

SEC. 3. DEFINITIONS.

In this Act:

(1) ASPEN VALLEY LAND TRUST.—

(A) IN GENERAL.—The term ''Aspen Valley Land Trust'' means the Aspen Valley Land Trust, a nonprofit organization as described in section 501(c)(3) of the Internal Revenue Code of 1986.

(B) INCLUSIONS.—The term ''Aspen Valley Land Trust'' includes any successor, heir, or assign of the Aspen Valley Land Trust.

(2) COUNTY.—The term ''County'' means Pitkin County, a political subdivision of the State of Colorado.

(3) FEDERAL LAND.—The term ''Federal land'' means—

(A) the approximately 5.5 acres of National Forest System land located in the County, as generally depicted on the map entitled ''Ryan Land Exchange-Wildwood Parcel Conveyance to Pitkin County'' and dated August 2004;

(B) the 12 parcels of National Forest System land located in the County totaling approximately 5.92 acres, as generally depicted on maps 1 and 2 entitled ''Ryan Land Exchange-Smuggler Mountain Patent Remnants Conveyance to Pitkin County'' and dated August 2004; and

(C) the approximately 40 acres of Bureau of Land Management land located in the County, as generally depicted on the map entitled ''Ryan Land Exchange-Crystal River Parcel Conveyance to Pitkin County'' and dated August 2004.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means—

(A) the approximately 35 acres of non-Federal land in the County, as generally depicted on the map entitled ''Ryan Land Exchange-Ryan Property Conveyance to Forest Service'' and dated August 2004; and

(B) the approximately 18.2 acres of non-Federal land located on Smuggler Mountain in the

County, as generally depicted on the map entitled ''Ryan Land Exchange-Smuggler Mountain-Grand Turk & Pontiac Claims Conveyance to Forest Service'' and dated August 2004.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 4. LAND EXCHANGE.

(a) IN GENERAL.—If the County offers to convey to the United States title to the non-Federal land that is acceptable to the Secretary, the Secretary and the Secretary of the Interior shall—

(1) accept the offer; and

(2) on receipt of acceptable title to the non-Federal land, simultaneously convey to the County, or at the request of the County, to the Aspen Valley Land Trust, all right, title, and interest of the United States in and to the Federal land, except as provided in section 5(d), subject to all valid existing rights and encumbrances.

(b) TIMING.—It is the intent of Congress that the land exchange directed by this Act shall be completed not later than 1 year after the date of enactment of this Act.

SEC. 5. EXCHANGE TERMS AND CONDITIONS.

(a) EQUAL VALUE EXCHANGE.—The value of the Federal land and non-Federal land—

(1) shall be equal; or

(2) shall be made equal in accordance with subsection (c).

(b) APPRAISALS.—The value of the Federal land and non-Federal land shall be determined by the Secretary through appraisals conducted in accordance with—

(1) the Uniform Appraisal Standards for Federal Land Acquisitions;

(2) the Uniform Standards of Professional Appraisal Practice; and

(3) Forest Service appraisal instructions.

(c) EQUALIZATION OF VALUES.—

(1) SURPLUS OF NON-FEDERAL LAND.—If the final appraised value of the non-Federal land exceeds the final appraised value of the Federal land, the County shall donate to the United States the excess value of the non-Federal land, which shall be considered to be a donation for all purposes of law.

(2) SURPLUS OF FEDERAL LAND.—

(A) IN GENERAL.—If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, the value of the Federal land and non-Federal land may, as the Secretary and the County determine to be appropriate, be equalized by the County—

(i) making a cash equalization payment to the Secretary;

(ii) conveying to the Secretary certain land located in the County, comprising approximately 160 acres, as generally depicted on the map entitled ''Sellar Park Parcel'' and dated August 2004; or

(iii) using a combination of the methods described in clauses (i) and (ii).

(B) DISPOSITION AND USE OF PROCEEDS.—

(i) DISPOSITION OF PROCEEDS.—Any cash equalization payment received by the Secretary under clause (i) or (iii) of subparagraph (A) shall be deposited in the fund established by Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a).

(ii) USE OF PROCEEDS.—Amounts deposited under clause (i) shall be available to the Secretary, without further appropriation, for the acquisition of land or interests in land in Colorado for addition to the National Forest System.

(d) CONDITIONS ON CERTAIN CONVEYANCES.—

(1) CONDITIONS ON CONVEYANCE OF CRYSTAL RIVER PARCEL.—

(A) IN GENERAL.—As a condition of the conveyance of the parcel of Federal land described in section 3(3)(C) to the County, the County shall agree to—

(i) provide for public access to the parcel; and

(ii) require that the parcel shall be used only for recreational, fish and wildlife conservation, and public open space purposes.

(B) REVERSION.—At the option of the Secretary of the Interior, the parcel of land described in section 3(3)(C) shall revert to the United States if the parcel is used for a purpose other than a purpose described in subparagraph (A)(ii).

(2) CONDITIONS ON CONVEYANCE OF WILDWOOD PARCEL.—In the deed of conveyance for the parcel of Federal land described in section 3(3)(A) to the County, the Secretary shall, as determined to be appropriate by the Secretary, in consultation with the County, reserve to the United States a permanent easement for the location, construction, and public use of the East of Aspen Trail.

SEC. 6. MISCELLANEOUS PROVISIONS.

(a) INCORPORATION, MANAGEMENT, AND STATUS OF ACQUIRED LAND.—

(1) IN GENERAL.—Land acquired by the Secretary under this Act shall become part of the White River National Forest.

(2) MANAGEMENT.—On acquisition, land acquired by the Secretary under this Act shall be administered in accordance with the laws (including rules and regulations) generally applicable to the National Forest System.

(3) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the White River National Forest shall be deemed to be the boundaries of the White River National Forest as of January 1, 1965.

(b) REVOCATION OF ORDERS AND WITHDRAWAL.—

(1) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(2) WITHDRAWAL OF FEDERAL LAND.—On the date of enactment of this Act, if not already withdrawn or segregated from entry and appropriation under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal land is withdrawn, subject to valid existing rights, until the date of the conveyance of the Federal land to the County.

(3) WITHDRAWAL OF NON-FEDERAL LAND.—On acquisition of the non-Federal land by the Secretary, the non-Federal land is permanently withdrawn from all forms of appropriation and disposal under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(c) BOUNDARY ADJUSTMENTS.—The Secretary, the Secretary of the Interior, and the County may agree to—

(1) minor adjustments to the boundaries of the parcels of Federal land and non-Federal land; and

(2) modifications or deletions of parcels and mining claim remnants of Federal land or non-Federal land to be exchanged on Smuggler Mountain.

The committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill H.R. 1129, as amended was read the third time, and passed.

STE. GENEVIEVE COUNTY NATIONAL HISTORIC SITE STUDY ACT OF 2005

The bill (H.R. 1728) to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND ACT OF 2005

The bill (H.R. 2107) to amend Public Law 104–329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

NORTHERN COLORADO WATER DISTRIBUTION FACILITIES CONVEYANCE ACT

The bill (H.R. 3443) to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District, was considered, ordered to a third reading, read the third time, and passed.

SALT CEDAR AND RUSSIAN OLIVE CONTROL DEMONSTRATION ACT

The bill (H.R. 2720) to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

NORTHERN CALIFORNIA COASTAL WILD HERITAGE WILDERNESS ACT

The bill (H.R. 233) to designate certain National Forest System lands in the Mendocino and Six Rivers National Forests and certain Bureau of Land Management lands in Humboldt, Lake, Mendocino, and Napa Counties in the State of California as wilderness, to designate the Elkhorn Ridge Potential Wilderness Area, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes was considered, read the third time, and passed.

SECTION 10

Mr. BINGAMAN. Mr. President, I would like to enter into a colloquy with Senators DOMENICI, BOXER, and FEINSTEIN concerning a provision in H.R. 233, the Northern California Wild Heritage Wilderness Act. Although I strongly supported the Senate companion measure, S. 128, which passed the Senate last year, I am concerned with some of the changes made by bill as passed by the House of Representatives. Of particular concern is section 10, dealing with commercial fishing permits in Redwood National and State Parks in California. The section directs the Secretary of the Interior to issue permits for authorized vehicle access for commercial surf fishing at designated beaches within both the National and State Parks. The section provides that the number of permits

shall be limited to the number of valid permits that are held on the date of enactment of this Act, and that the permits ''so issued shall be perpetual and subject to the same conditions as the permits held on the date of enactment of this Act.''

I understand from the National Park Service and the bill sponsors that presently 15 permits are issued for commercial surf fishing within the park. I was concerned that the language stating that the permits shall be perpetual might be construed as creating a right vesting in the permit holder, which would be contrary to the way permits are issued throughout the National Park System. However, I understand that the intent of this language is simply to ensure that the National Park Service not reduce the number of permits issued below the current level of valid permits, assuming there is sufficient demand for the remaining permits. Furthermore, I understand that there is no intent for the requirements of section 10 to be construed as an implied waiver of applicable laws, including the National Park Service Organic Act and the Endangered Species Act, but rather a directive to the Park Service to discontinue its plan to completely phase out these permits. I would like to ask Senator DOMENICI, the chairman of the Committee on Energy and Natural Resources, and Senators BOXER and FEINSTEIN, the Senate sponsors, whether they agree with me that it is their intent that the language in section 10 does not create a property right and whether they also agree that the sole purpose of the language is to limit the number of permits to the number of valid permits in existence as of the date of enactment of H.R. 233.

Mrs. BOXER. I agree with Senator BINGAMAN's understanding. It is not our intent to create any new right with respect to these permits.

Mrs. FEINSTEIN. I agree with the Senator from New Mexico.

Mr. DOMENICl. I agree.

Mr. BINGAMAN. The language in section 10 requires the Secretary of the Interior to issue permits allowing for authorized vehicle access to designated beaches, including Gold Bluff Beach, within Prairie Creek Redwoods State Park, which is located within the broader national park boundary. This provision is unusual in that, on its face, it appears to require the Secretary to authorize access to a beach that is within a State Park and managed by the California Department of Parks and Recreation. However, I understand that nothing in this section is intended to override the responsibilities of the State of California and its management of state park. Is that the understanding of the chairman and bill sponsors as well?

Mrs. BOXER. I agree. The language in this bill does not impose requirements on the State of California.

Mrs. FEINSTEIN. I agree.

Mr. DOMENICI. I agree.

Mr. BINGAMAN. I thank my colleagues for helping to clarify this issue. I ask unanimous consent that a letter from Congressman THOMPSON, the sponsor of H.R. 233, be printed in the RECORD. His letter indicates his agreement with our colloquy. Based on the common understanding of the purpose and intent of section 10, I will support passage of the bill.

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

HOUSE OF REPRESENTATIVES,
Washington, DC, July 27, 2006.

Hon. JEFF BINGAMAN,
Ranking Member, Senate Energy and Natural Resources Committee,
Dirksen Senate Offlce Building, Washington, DC.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR RANKING MEMBER BINGAMAN, SENATOR FEINSTEIN AND SENATOR BOXER: I would like to take this opportunity to clarify my intent on a provision in H.R. 233, the Northern California Wild Heritage Act.

Section 10, which deals with commercial fishing permits in Redwood National and State Parks in California, directs the Secretary of the Interior to issue permits for authorized vehicle access for commercial surf fishing at designated beaches within both the National and State Parks. The section provides that the number of permits shall be limited to the number of valid permits that are held on the date of enactment of this Act, and that the permits ''so issued shall be perpetual and subject to the same conditions as the permits held on the date of enactment of this Act.''

I want to clarify that this language should not be construed as creating a right vesting in the permit holder, which would be contrary to the way permits are issued throughout the National Park System. The intent of this language is simply to ensure that the National Park Service not reduce the number of permits issued below the current level of valid permits, assuming there is sufficient demand for the remaining permits. Furthermore, there is no intent for the requirements of Section 10 to be construed as an implied waiver of applicable laws, including the National Park Service Organic Act and the Endangered Species Act, but rather a directive to the Park Service to discontinue its plan to completely phase out these permits. The language in Section 10 does not create a property right and the sole purpose of the language is to limit the number of permits to the number of valid permits in existence as of the date of enactment of H.R. 233.

In addition, the language in Section 10 requires the Secretary of the Interior to issue permits allowing for authorized vehicle access to designated beaches, including Gold Bluff Beach, within Prairie Creek Redwoods State Park, which is located within the broader national park boundary. However, nothing in this section is intended to override the responsibilities of the State of California and its management of the state park.

Thank you very much for all your time and effort on this very important bill. I appreciate the opportunity to clarify this issue.

Sincerely,

MIKE THOMPSON,
Member of Congress.

Mrs. BOXER. Mr. President, this is a great day for California.

After years of hard work by my colleagues, Senator FEINSTEIN and Congressman MIKE THOMPSON and I, the Northern California Coastal Wild Heritage Wilderness Act passed the Congress today. It now goes to the President's desk for his signature.

I want to thank my colleague, Senator FEINSTEIN, and Congressman MIKE THOMPSON for all of their great work on this bill. Without their tireless support, we would not have gotten to this point.

Anyone who has ever visited California or been fortunate enough to live there is keenly aware of the State's natural beauty indeed, more than most States, California's wild beauty—is an essential part of its identity.

California's natural beauty and way of life has enticed millions to come and live there but that very enticement is now threatened by exponential growth—35,900,000 people live in my State, according to the 2004 U.S. Census estimate, and that figure is growing by leaps and bounds daily.

That is why so many Californians have come together to support this bill and protect some of the last great natural places in the State.

Thousands of average citizens and over 200 local businesses, outdoor groups, and other interests support the bill these include Harwood Industries, the Adventures Edge Mountain Bike Store, and K.B. Homes, the largest homebuilder in California.

There have been 23 supportive votes or resolutions from city councils, county boards of supervisors, tribal councils, and other boards since 2001.

Our Governor, Arnold Schwarzenegger, supports it, as do 40 former or current local elected officials of both parties in Lake, Mendocino, Napa, and Humboldt Counties.

When one considers what we are trying to preserve, it is easy to see why Congressman THOMPSON and I have such broad support for our legislation. I would like to share a few examples.

First and foremost is the spectacular King Range, the wildest portion of California's coast—it boasts the longest stretch of undeveloped coastline in the lower 48 States. Next, I would like to share Cache Creek it is home to the second largest wintering bald eagle population in California and a herd of rare Tule elk, which is the world's smallest elk. Cache Creek is popular with white water rafters for its rapids and scenery.

Next, the Middle Fork Eel River, which hosts 30 to 50 percent of the State's summer-run steelhead trout population, an endangered species, and critical to California's fishermen and tribes. It also has spectacular ancient forests of oak pine and fir. Our bill provides improved protections for this pristine area.

These are but three of the dozens of examples I could show you today. Californians want to protect the sanctity of these lands, and our bill does just that.

Before I conclude, there are some people I need to thank. First, I again thank Senator FEINSTEIN, my partner in the Senate on this bill. Her work on the Energy and Natural Resources Committee was invaluable, and John Watts of her staff helped greatly. Congressman THOMPSON tirelessly championed this bill in the House, and Jonathan Birdsong, his legislative director, put in countless hours of work to accomplish this.

I also thank Senators BINGAMAN and DOMENICI of the Energy and Natural Resources Committee. They, along with Senators CRAIG and WYDEN, have worked very well with me to protect these special places and helped me move this bill forward. Finally I need to thank David Brooks and Frank Gladics of the Energy Committee staff for working so carefully and conscientiously on this bill.

God has given Americans an exceptionally beautiful treasure in its wild landscape, and my State is blessed with some of its best.

We must be good stewards of that gift and share it with future generations that is what Theodore Roosevelt, John Muir, John Wesley Powell, Ansel Adams, and other great Americans did, and we have places like Yosemite and Yellowstone to cherish because of their actions.

Mr. President, because the Congress passed this bill today, future generations will be thanking us for preserving places like the King Range and other parts of the stunning, wild, and unspoiled northern California coast.

CORRECTING THE ENROLLMENT OF S. 203

The concurrent resolution (H. Con. Res. 456) was considered and passed.

OJITO WILDERNESS ACT AMENDMENT

NATIONAL TRAILS SYSTEM ACT AMENDMENT

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 4841 and H.R. 3085, and the Senate proceed to their immediate consideration en bloc.

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

The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4841) to amend the Ojito Wilderness Act to make a technical correction.

A bill (H.R. 3085) to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bills, as amended, if amended, be read a third time and passed, and the motions to reconsider be laid upon the table.

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

The amendment (No. 5113) was agreed to, as follows:

(Purpose: To clarify that additional funds are not authorized to be appropriated to carry out the feasibility and suitability study)

On page 3, strike lines 1 through 3 and insert the following:

''(iv) The related campgrounds located along the routes and land components described in clauses (i) through (iii).

''(D) No additional funds are authorized to be appropriated to carry out subparagraph (C). The Secretary may accept donations for the Trail from private, nonprofit, or tribal organizations.''.

The amendment was ordered to be engrossed and the bill to be read a third time. The bill (H.R. 3085), as amended, was read the third time, and passed.

The bill (H.R. 4841) was ordered to be read a third time, was read the third time and passed.

NATIONAL HERITAGE AREAS ACT OF 2006

Mrs. HUTCHISON. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 203) to reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 203

Resolved, That the bill from the Senate (S. 203) entitled ''An Act to reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Heritage Areas Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SODA ASH ROYALTY REDUCTION

Sec. 101. Short title.
Sec. 102. Reduction in royalty rate on soda ash.
Sec. 103. Study.

TITLE II—ESTABLISHMENT OF NATIONAL HERITAGE AREAS

Subtitle A—Northern Rio Grande National Heritage Area

Sec. 201. Short title.
Sec. 202. Congressional findings.
Sec. 203. Definitions.
Sec. 204. Northern Rio Grande National Heritage Area.
Sec. 205. Authority and duties of the Management Entity.
Sec. 206. Duties of the Secretary.
Sec. 207. Private property protections; savings provisions.
Sec. 208. Sunset.
Sec. 209. Authorization of appropriations.

Subtitle B—Atchafalaya National Heritage Area

Sec. 211. Short title.
Sec. 212. Definitions.
Sec. 213. Atchafalaya National Heritage Area.
Sec. 214. Authorities and duties of the local coordinating entity.
Sec. 215. Management Plan.
Sec. 216. Requirements for inclusion of private property.
Sec. 217. Private property protection.
Sec. 218. Effect of subtitle.
Sec. 219. Reports.
Sec. 220. Authorization of appropriations.
Sec. 221. Termination of authority.

Subtitle C—Arabia Mountain National Heritage Area

Sec. 231. Short title.
Sec. 232. Findings and purposes.
Sec. 233. Definitions.
Sec. 234. Arabia Mountain National Heritage Area.
Sec. 235. Authorities and duties of the local coordinating entity.
Sec. 236. Management Plan.
Sec. 237. Technical and financial assistance.
Sec. 238. Effect on certain authority.
Sec. 239. Authorization of appropriations.
Sec. 240. Termination of authority.
Sec. 241. Requirements for inclusion of private property.
Sec. 242. Private property protection.

Subtitle D—Mormon Pioneer National Heritage Area

Sec. 251. Short title.
Sec. 252. Findings and purpose.
Sec. 253. Definitions.
Sec. 254. Mormon Pioneer National Heritage Area.
Sec. 255. Designation of Alliance as local coordinating entity.
Sec. 256. Management of the Heritage Area.
Sec. 257. Duties and authorities of Federal agencies.
Sec. 258A. Requirements for inclusion of private property.
Sec. 258B. Private property protection.
Sec. 259. Authorization of appropriations.
Sec. 260. Termination of authority.

Subtitle E—Freedom's Frontier National Heritage Area

Sec. 261. Short title.
Sec. 262. Purpose.
Sec. 263. Definitions.
Sec. 264. Freedom's Frontier National Heritage Area.
Sec. 265. Technical and financial assistance; other Federal agencies.
Sec. 266. Private property protection.
Sec. 267. Savings provisions.
Sec. 268. Authorization of appropriations.
Sec. 269. Termination of authority.

Subtitle F—Upper Housatonic Valley National Heritage Area

Sec. 271. Short title.
Sec. 272. Findings and purposes.
Sec. 273. Definitions.
Sec. 274. Upper Housatonic Valley National Heritage Area.
Sec. 275. Authorities, prohibitions, and duties of the Management Entity.
Sec. 276. Management Plan.
Sec. 277. Duties and authorities of the Secretary.
Sec. 278. Duties of other Federal agencies.
Sec. 279. Requirements for inclusion of private property.
Sec. 280. Private property protection.
Sec. 280A. Authorization of appropriations.
Sec. 280B. Sunset.

Subtitle G—Champlain Valley National Heritage Partnership

Sec. 281. Short title.
Sec. 282. Findings and purposes.

Sec. 283. Definitions.
Sec. 284. Heritage Partnership.
Sec. 285. Requirements for inclusion of private property.
Sec. 286. Private property protection.
Sec. 287. Effect.
Sec. 288. Authorization of appropriations.
Sec. 109. Termination of authority.
Subtitle H—Great Basin National Heritage Route
Sec. 291. Short title.
Sec. 291A. Findings and purposes.
Sec. 291B. Definitions.
Sec. 291C. Great Basin National Heritage Route.
Sec. 291D. Memorandum of understanding.
Sec. 291E. Management Plan.
Sec. 291F. Authority and duties of local coordinating entity.
Sec. 291G. Duties and authorities of Federal agencies.
Sec. 291H. Land use regulation; applicability of Federal law.
Sec. 291I. Authorization of appropriations.
Sec. 291J. Termination of authority.
Sec. 291K. Requirements for inclusion of private property.
Sec. 291L. Private property protection.
Subtitle I—Gullah/Geechee Heritage Corridor
Sec. 295. Short title.
Sec. 295A. Purposes.
Sec. 295B. Definitions.
Sec. 295C. Gullah/Geechee Cultural Heritage Corridor.
Sec. 295D. Gullah/Geechee Cultural Heritage Corridor Commission.
Sec. 295E. Operation of the local coordinating entity.
Sec. 295F. Management Plan.
Sec. 295G. Technical and financial assistance.
Sec. 295H. Duties of other Federal agencies.
Sec. 295I. Coastal Heritage Centers.
Sec. 295J. Private property protection.
Sec. 295K. Authorization of appropriations.
Sec. 295L. Termination of authority.
Subtitle J—Crossroads of the American Revolution National Heritage Area
Sec. 297. Short title.
Sec. 297A. Findings and purposes.
Sec. 297B. Definitions.
Sec. 297C. Crossroads of the American Revolution National Heritage Area.
Sec. 297D. Management Plan.
Sec. 297E. Authorities, duties, and prohibitions applicable to the local coordinating entity.
Sec. 297F. Technical and financial assistance; other Federal agencies.
Sec. 297G. Authorization of appropriations.
Sec. 297H. Termination of authority.
Sec. 297I. Requirements for inclusion of private property.
Sec. 297J. Private property protection.
TITLE III—NATIONAL HERITAGE AREA STUDIES
Subtitle A—Western Reserve Heritage Area Study
Sec. 301. Short title.
Sec. 302. National Park Service study regarding the Western Reserve, Ohio.
Subtitle B—St. Croix National Heritage Area Study
Sec. 311. Short title.
Sec. 312. Study.
Subtitle C—Southern Campaign of the Revolution
Sec. 321. Short title.
Sec. 322. Southern Campaign of the Revolution Heritage Area study.
Sec. 323. Private property.
TITLE IV—ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR ACT AMENDMENTS
Sec. 401. Short title.
Sec. 402. Transition and provisions for new local coordinating entity.
Sec. 403. Private property protection.
Sec. 404. Technical amendments.
TITLE V—MOKELUMNE RIVER FEASIBILITY STUDY
Sec. 501. Authorization of Mokelumne River Regional Water Storage and Conjunctive Use Project Study.
Sec. 502. Use of reports and other information.
Sec. 503. Cost shares.
Sec. 504. Water rights.
Sec. 505. Authorization of appropriations.
TITLE VI—DELAWARE NATIONAL COASTAL SPECIAL RESOURCES STUDY
Sec. 601. Short title.
Sec. 602. Study.
Sec. 603. Themes.
Sec. 604. Report.
TITLE VII—JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR REAUTHORIZATION
Sec. 701. Short title.
Sec. 702. John H. Chafee Blackstone River Valley National Heritage Corridor.
TITLE VIII—CALIFORNIA RECLAMATION GROUNDWATER REMEDIATION INITIATIVE
Sec. 801. Short title.
Sec. 802. Definitions.
Sec. 803. California basins remediation.
Sec. 804. Sunset of authority.
TITLE IX—NATIONAL COAL HERITAGE AREA
Sec. 901. National Coal Heritage Area amendments.

TITLE I—SODA ASH ROYALTY REDUCTION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Soda Ash Royalty Reduction Act of 2006''.

SEC. 102. REDUCTION IN ROYALTY RATE ON SODA ASH.

Notwithstanding section 102(a)(9) of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701(a)(9)), section 24 of the Mineral Leasing Act (30 U.S.C. 262), and the terms of any lease under that Act, the royalty rate on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market from Federal land in the 5-year period beginning on the date of enactment of this Act shall be 2 percent.

SEC. 103. STUDY.

After the end of the 4-year period beginning on the date of enactment of this Act, and before the end of the 5-year period beginning on that date, the Secretary of the Interior shall report to Congress on the effects of the royalty reduction under this title, including—

(1) the amount of sodium compounds and related products at the point of shipment to market from Federal land during that 4-year period;

(2) the number of jobs that have been created or maintained during the royalty reduction period;

(3) the total amount of royalty paid to the United States on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market produced during that 4-year period, and the portion of such royalty paid to States; and

(4) a recommendation of whether the reduced royalty rate should apply after the end of the 5-year period beginning on the date of enactment of this Act.

TITLE II—ESTABLISHMENT OF NATIONAL HERITAGE AREAS

Subtitle A—Northern Rio Grande National Heritage Area

SEC. 201. SHORT TITLE.

This subtitle may be cited as the ''Northern Rio Grande National Heritage Area Act''.

SEC. 202. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) northern New Mexico encompasses a mosaic of cultures and history, including 8 Pueblos and the descendants of Spanish ancestors who settled in the area in 1598;

(2) the combination of cultures, languages, folk arts, customs, and architecture make northern New Mexico unique;

(3) the area includes spectacular natural, scenic, and recreational resources;

(4) there is broad support from local governments and interested individuals to establish a National Heritage Area to coordinate and assist in the preservation and interpretation of these resources;

(5) in 1991, the National Park Service study Alternative Concepts for Commemorating Spanish Colonization identified several alternatives consistent with the establishment of a National Heritage Area, including conducting a comprehensive archaeological and historical research program, coordinating a comprehensive interpretation program, and interpreting a cultural heritage scene; and

(6) establishment of a National Heritage Area in northern New Mexico would assist local communities and residents in preserving these unique cultural, historical and natural resources.

SEC. 203. DEFINITIONS.

As used in this subtitle—

(1) the term ''heritage area'' means the Northern Rio Grande Heritage Area; and

(2) the term ''Secretary'' means the Secretary of the Interior.

SEC. 204. NORTHERN RIO GRANDE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Northern Rio Grande National Heritage Area in the State of New Mexico.

(b) BOUNDARIES.—The heritage area shall include the counties of Santa Fe, Rio Arriba, and Taos.

(c) MANAGEMENT ENTITY.—

(1) The Northern Rio Grande National Heritage Area, Inc., a non-profit corporation chartered in the State of New Mexico, shall serve as the management entity for the heritage area.

(2) The Board of Directors for the management entity shall include representatives of the State of New Mexico, the counties of Santa Fe, Rio Arriba and Taos, tribes and pueblos within the heritage area, the cities of Santa Fe, Espanola and Taos, and members of the general public. The total number of Board members and the number of Directors representing State, local and tribal governments and interested communities shall be established to ensure that all parties have appropriate representation on the Board.

SEC. 205. AUTHORITY AND DUTIES OF THE MANAGEMENT ENTITY.

(a) MANAGEMENT PLAN.—

(1) Not later than 3 years after the date of enactment of this Act, the management entity shall develop and forward to the Secretary a management plan for the heritage area.

(2) The management entity shall develop and implement the management plan in cooperation with affected communities, tribal and local governments and shall provide for public involvement in the development and implementation of the management plan.

(3) The management plan shall, at a minimum—

(A) provide recommendations for the conservation, funding, management, and development of the resources of the heritage area;

(B) identify sources of funding;

(C) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the heritage area;

(D) provide recommendations for educational and interpretive programs to inform the public about the resources of the heritage area; and

(E) include an analysis of ways in which local, State, Federal, and tribal programs may best be coordinated to promote the purposes of this subtitle.

(4) If the management entity fails to submit a management plan to the secretary as provided in paragraph (1), the heritage area shall no longer be eligible to receive Federal funding under this subtitle until such time as a plan is submitted to the Secretary.

(5) The Secretary shall approve or disapprove the management plan within 90 days after the date of submission. If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the plan.

(6) The management entity shall periodically review the management plan and submit to the Secretary any recommendations for proposed revisions to the management plan. Any major revisions to the management plan must be approved by the Secretary.

(b) AUTHORITY.—The management entity may make grants and provide technical assistance to tribal and local governments, and other public and private entities to carry out the management plan.

(c) DUTIES.—The management entity shall—

(1) give priority in implementing actions set forth in the management plan;

(2) encourage by appropriate means economic viability in the heritage area consistent with the goals of the management plan; and

(3) assist local and tribal governments and non-profit organizations in—

(A) establishing and maintaining interpretive exhibits in the heritage area;

(B) developing recreational resources in the heritage area;

(C) increasing public awareness of, and appreciation for, the cultural, historical, archaeological and natural resources and sits in the heritage area;

(D) the restoration of historic structures related to the heritage area; and

(E) carrying out other actions that the management entity determines appropriate to fulfill the purposes of this subtitle, consistent with the management plan.

(d) PROHIBITION ON ACQUIRING REAL PROPERTY.—The management entity may not use Federal funds received under this subtitle to acquire real property or an interest in real property.

(e) PUBLIC MEETINGS.—The management entity shall hold public meetings at least annually regarding the implementation of the management plan.

(f) ANNUAL REPORTS AND AUDITS.—

(1) For any year in which the management entity receives Federal funds under this subtitle, the management entity shall submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each entity to which any grant was made by the management entity.

(2) The management entity shall make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds. The management entity shall also require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organization make available to the Secretary for audit all records concerning the expenditure of those funds.

SEC. 206. DUTIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon request of the management entity, provide technical and financial assistance to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, archaeological, scenic, and recreational resources of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities consistent with the resources and associated values of the heritage area.

SEC. 207. PRIVATE PROPERTY PROTECTIONS; SAVINGS PROVISIONS.

(a) PRIVATE PROPERTY PROTECTION.—

(1) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation or promotion to the management entity.

(2) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the heritage area, shall have their property immediately removed from within the boundary by submitting a written request to the management entity.

(3) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this subtitle shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(4) LIABILITY.—Designation of the heritage area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(5) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(6) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the heritage area to participate in or be associated with the heritage area.

(b) EFFECT OF ESTABLISHMENT.—The boundaries designated for the heritage area represent the area within which Federal funds appropriated for the purpose of this subtitle shall be expended. The establishment of the heritage area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the heritage area or its viewshed by the Secretary, the National Park Service, or the management entity.

(c) TRIBAL LANDS.—Nothing in this subtitle shall restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

(d) TRUST RESPONSIBILITIES.—Nothing in this subtitle shall diminish the Federal Government's trust responsibilities or government-to-government obligations to any federally recognized Indian tribe.

SEC. 208. SUNSET.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle $10,000,000, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this subtitle shall be not more than 50 percent.

Subtitle B—Atchafalaya National Heritage Area

SEC. 211. SHORT TITLE.

This subtitle may be cited as the ''Atchafalaya National Heritage Area Act''.

SEC. 212. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Atchafalaya National Heritage Area established by section 213(a).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the Heritage Area designated by section 213(c).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area developed under section 215.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means the State of Louisiana.

SEC. 213. ATCHAFALAYA NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Atchafalaya National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall consist of the whole of the following parishes in the State: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, East Baton Rouge, and Ascension Parish.

(c) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The Atchafalaya Trace Commission shall be the local coordinating entity for the Heritage Area.

(2) COMPOSITION.—The local coordinating entity shall be composed of 14 members appointed by the governing authority of each parish within the Heritage Area.

SEC. 214. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—For the purposes of developing and implementing the management plan and otherwise carrying out this subtitle, the local coordinating entity may—

(1) make grants to, and enter into cooperative agreements with, the State, units of local government, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—The local coordinating entity shall—

(1) submit to the Secretary for approval a management plan;

(2) implement the management plan, including providing assistance to units of government and others in—

(A) carrying out programs that recognize important resource values within the Heritage Area;

(B) encouraging sustainable economic development within the Heritage Area;

(C) establishing and maintaining interpretive sites within the Heritage Area; and

(D) increasing public awareness of, and appreciation for the natural, historic, and cultural resources of, the Heritage Area;

(3) adopt bylaws governing the conduct of the local coordinating entity; and

(4) for any year for which Federal funds are received under this subtitle, submit to the Secretary a report that describes, for the year—

(A) the accomplishments of the local coordinating entity; and

(B) the expenses and income of the local coordinating entity.

(c) ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds received under this subtitle to acquire real property or an interest in real property.

(d) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly.

SEC. 215. MANAGEMENT PLAN.

(a) IN GENERAL.—The local coordinating entity shall develop a management plan for the Heritage Area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, scenic, cultural, historic, and recreational resources of the Heritage Area.

(b) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the local coordinating entity shall—

(1) take into consideration State and local plans; and

(2) invite the participation of residents, public agencies, and private organizations in the Heritage Area.

(c) CONTENTS.—The management plan shall include—

(1) an inventory of the resources in the Heritage Area, including—

(A) a list of property in the Heritage Area that—

(i) relates to the purposes of the Heritage Area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the Heritage Area;

(2) provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with this subtitle;

(3) an interpretation plan for the Heritage Area; and

(4) a program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the Heritage Area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(d) SUBMISSION TO SECRETARY FOR APPROVAL.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this subtitle until a management plan for the Heritage Area is submitted to the Secretary.

(e) APPROVAL.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (d)(1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(f) REVISION.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

(2) EXPENDITURE OF FUNDS.—No funds made available under this subtitle shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 216. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the local coordinating entity and has given written consent to the local coordinating entity for such preservation, conservation, or promotion.

(b) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the Heritage Area shall have that private property immediately removed from the boundary by submitting a written request to the local coordinating entity.

SEC. 217. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on that private property.

(c) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

SEC. 218. EFFECT OF SUBTITLE.

Nothing in this subtitle or in establishment of the Heritage Area—

(1) grants any Federal agency regulatory authority over any interest in the Heritage Area, unless cooperatively agreed on by all involved parties;

(2) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act;

(3) grants any power of zoning or land use to the local coordinating entity;

(4) imposes any environmental, occupational, safety, or other rule, standard, or permitting process that is different from those in effect on the date of enactment of this Act that would be applicable had the Heritage Area not been established;

(5)(A) imposes any change in Federal environmental quality standards; or

(B) authorizes designation of any portion of the Heritage Area that is subject to part C of title I of the Clean Air Act (42 U.S.C. 7470 et seq.) as class 1 for the purposes of that part solely by reason of the establishment of the Heritage Area;

(6) authorizes any Federal or State agency to impose more restrictive water use designations, or water quality standards on uses of or discharges to, waters of the United States or waters of the State within or adjacent to the Heritage Area solely by reason of the establishment of the Heritage Area;

(7) abridges, restricts, or alters any applicable rule, standard, or review procedure for permitting of facilities within or adjacent to the Heritage Area; or

(8) affects the continuing use and operation, where located on the date of enactment of this Act, of any public utility or common carrier.

SEC. 219. REPORTS.

For any year in which Federal funds have been made available under this subtitle, the local coordinating entity shall submit to the Secretary a report that describes—

(1) the accomplishments of the local coordinating entity; and

(2) the expenses and income of the local coordinating entity.

SEC. 220. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, to remain available until expended, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this subtitle shall be not more than 50 percent unless the Secretary determines that no reasonable means are available through which the local coordinating entity can meet its cost sharing requirement for that activity.

SEC. 221. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance to the local coordinating entity under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle C—Arabia Mountain National Heritage Area

SEC. 231. SHORT TITLE.

This subtitle may be cited as the ''Arabia Mountain National Heritage Area Act''.

SEC. 232. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Arabia Mountain area contains a variety of natural, cultural, historical, scenic, and recreational resources that together represent distinctive aspects of the heritage of the United States that are worthy of recognition, conservation, interpretation, and continuing use.

(2) The best methods for managing the resources of the Arabia Mountain area would be through partnerships between public and private entities that combine diverse resources and active communities.

(3) Davidson-Arabia Mountain Nature Preserve, a 535-acre park in DeKalb County, Georgia—

(A) protects granite outcrop ecosystems, wetland, and pine and oak forests; and

(B) includes federally-protected plant species.

(4) Panola Mountain, a national natural landmark, located in the 860-acre Panola Mountain State Conservation Park, is a rare example of a pristine granite outcrop.

(5) The archaeological site at Miners Creek Preserve along the South River contains documented evidence of early human activity.

(6) The city of Lithonia, Georgia, and related sites of Arabia Mountain and Stone Mountain possess sites that display the history of granite mining as an industry and culture in Georgia, and the impact of that industry on the United States.

(7) The community of Klondike is eligible for designation as a National Historic District.

(8) The city of Lithonia has 2 structures listed on the National Register of Historic Places.

(b) PURPOSES.—The purposes of this subtitle are as follows:

(1) To recognize, preserve, promote, interpret, and make available for the benefit of the public the natural, cultural, historical, scenic, and recreational resources in the area that includes Arabia Mountain, Panola Mountain, Miners Creek, and other significant sites and communities.

(2) To assist the State of Georgia and the counties of DeKalb, Rockdale, and Henry in the State in developing and implementing an integrated cultural, historical, and land resource management program to protect, enhance, and interpret the significant resources within the heritage area.

SEC. 233. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term ''heritage area'' means the Arabia Mountain National Heritage Area established by section 234(a).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Arabia Mountain Heritage Area Alliance or a successor of the Arabia Mountain Heritage Area Alliance.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the heritage area developed under section 236.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means the State of Georgia.

SEC. 234. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Arabia Mountain National Heritage Area in the State.

(b) BOUNDARIES.—The heritage area shall consist of certain parcels of land in the counties of DeKalb, Rockdale, and Henry in the State, as generally depicted on the map entitled ''Arabia Mountain National Heritage Area'', numbered AMNHA–80,000, and dated October 2003.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) LOCAL COORDINATING ENTITY.—The Arabia Mountain Heritage Area Alliance shall be the local coordinating entity for the heritage area.

SEC. 235. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—For purposes of developing and implementing the management plan, the local coordinating entity may—

(1) make grants to, and enter into cooperative agreements with, the State, political subdivisions of the State, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—

(1) MANAGEMENT PLAN.—

(A) IN GENERAL.—The local coordinating entity shall develop and submit to the Secretary the management plan.

(B) CONSIDERATIONS.—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse governmental, business, and nonprofit groups within the heritage area.

(2) PRIORITIES.—The local coordinating entity shall give priority to implementing actions described in the management plan, including the following:

(A) Assisting units of government and nonprofit organizations in preserving resources within the heritage area.

(B) Encouraging local governments to adopt land use policies consistent with the management of the heritage area and the goals of the management plan.

(3) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly on the implementation of the management plan.

(4) ANNUAL REPORT.—For any year in which Federal funds have been made available under this title, the local coordinating entity shall submit to the Secretary an annual report that describes the following:

(A) The accomplishments of the local coordinating entity.

(B) The expenses and income of the local coordinating entity.

(5) AUDIT.—The local coordinating entity shall—

(A) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(B) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of those funds.

(c) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The local coordinating entity shall not use Federal funds made available under this title to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this title precludes the local coordinating entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

SEC. 236. MANAGEMENT PLAN.

(a) IN GENERAL.—The local coordinating entity shall develop a management plan for the heritage area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, cultural, historical, scenic, and recreational resources of the heritage area.

(b) BASIS.—The management plan shall be based on the preferred concept in the document entitled ''Arabia Mountain National Heritage Area Feasibility Study'', dated February 28, 2001.

(c) CONSIDERATION OF OTHER PLANS AND ACTIONS.—The management plan shall—

(1) take into consideration State and local plans; and

(2) involve residents, public agencies, and private organizations in the heritage area.

(d) REQUIREMENTS.—The management plan shall include the following:

(1) An inventory of the resources in the heritage area, including—

(A) a list of property in the heritage area that—

(i) relates to the purposes of the heritage area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the heritage area.

(2) Provisions for the protection, interpretation, and enjoyment of the resources of the heritage area consistent with the purposes of this subtitle.

(3) An interpretation plan for the heritage area.

(4) A program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the heritage area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(5) A description and evaluation of the local coordinating entity, including the membership and organizational structure of the local coordinating entity.

(e) SUBMISSION TO SECRETARY FOR APPROVAL.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this subtitle until such date as a management plan for the heritage area is submitted to the Secretary.

(f) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (e), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) REVISION.—If the Secretary disapproves a management plan submitted under paragraph (1), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(g) REVISION OF MANAGEMENT PLAN.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

(2) EXPENDITURE OF FUNDS.—No funds made available under this subtitle shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 237. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) IN GENERAL.—At the request of the local coordinating entity, the Secretary may provide technical and financial assistance to the heritage area to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, scenic, and recreational resources that support the purposes of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources and associated values of the heritage area.

SEC. 238. EFFECT ON CERTAIN AUTHORITY.

(a) OCCUPATIONAL, SAFETY, CONSERVATION, AND ENVIRONMENTAL REGULATION.—Nothing in this subtitle—

(1) imposes an occupational, safety, conservation, or environmental regulation on the heritage area that is more stringent than the regulations that would be applicable to the land described in section 234(b) but for the establishment of the heritage area by section 234(a); or

(2) authorizes a Federal agency to promulgate an occupational, safety, conservation, or environmental regulation for the heritage area that is more stringent than the regulations applicable to the land described in section 234(b) as of the date of enactment of this Act, solely as a result of the establishment of the heritage area by section 234(a).

(b) LAND USE REGULATION.—Nothing in this subtitle—

(1) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act; or

(2) grants powers of zoning or land use to the local coordinating entity.

SEC. 239. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, to remain available until expended, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using funds made available under this subtitle shall not exceed 50 percent.

SEC. 240. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subsubtitle terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 241. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 242. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or

local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this subtitle may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

Subtitle D—Mormon Pioneer National Heritage Area

SEC. 251. SHORT TITLE.

This subtitle may be cited as the ''Mormon Pioneer National Heritage Area Act''.

SEC. 252. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the historical, cultural, and natural heritage legacies of Mormon colonization and settlement are nationally significant;

(2) in the area starting along the Highway 89 corridor at the Arizona border, passing through Kane, Garfield, Piute, Sevier, Wayne, and Sanpete Counties in the State of Utah, and terminating in Fairview, Utah, there are a variety of heritage resources that demonstrate—

(A) the colonization of the western United States; and

(B) the expansion of the United States as a major world power;

(3) the great relocation to the western United States was facilitated by—

(A) the 1,400-mile trek from Illinois to the Great Salt Lake by the Mormon pioneers; and

(B) the subsequent colonization effort in Nevada, Utah, the southeast corner of Idaho, the southwest corner of Wyoming, large areas of southeastern Oregon, much of southern California, and areas along the eastern border of California;

(4) the 250-mile Highway 89 corridor from Kanab to Fairview, Utah, contains some of the best features of the Mormon colonization experience in the United States;

(5) the landscape, architecture, traditions, beliefs, folk life, products, and events along Highway 89 convey the heritage of the pioneer settlement;

(6) the Boulder Loop, Capitol Reef National Park, Zion National Park, Bryce Canyon National Park, and the Highway 89 area convey the compelling story of how early settlers—

(A) interacted with Native Americans; and

(B) established towns and cities in a harsh, yet spectacular, natural environment;

(7) the colonization and settlement of the Mormon settlers opened up vast amounts of natural resources, including coal, uranium, silver, gold, and copper;

(8) the Mormon colonization played a significant role in the history and progress of the development and settlement of the western United States; and

(9) the artisans, crafters, innkeepers, outfitters, farmers, ranchers, loggers, miners, historic landscape, customs, national parks, and architecture in the Heritage Area make the Heritage Area unique.

(b) PURPOSE.—The purpose of this subtitle is to establish the Heritage Area to—

(1) foster a close working relationship with all levels of government, the private sector, residents, business interests, and local communities in the State;

(2) empower communities in the State to conserve, preserve, and enhance the heritage of the communities while strengthening future economic opportunities;

(3) conserve, interpret, and develop the historical, cultural, natural, and recreational resources within the Heritage Area; and

(4) expand, foster, and develop heritage businesses and products relating to the cultural heritage of the Heritage Area.

SEC. 253. DEFINITIONS.

In this subtitle:

(1) ALLIANCE.—The term ''Alliance'' means the Utah Heritage Highway 89 Alliance.

(2) HERITAGE AREA.—The term ''Heritage Area'' means the Mormon Pioneer National Heritage Area established by section 254(a).

(3) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the Heritage Area designated by section 255(a).

(4) MANAGEMENT PLAN.—The term ''management plan'' means the plan developed by the local coordinating entity under section 256(a).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of Utah.

SEC. 254. MORMON PIONEER NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Mormon Pioneer National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The boundaries of the Heritage Area shall include areas in the State —

(A) that are related to the corridors—

(i) from the Arizona border northward through Kanab, Utah, and to the intersection of Highway 89 and Highway 12, including Highway 12 and Highway 24 as those highways loop off Highway 89 and rejoin Highway 89 at Sigurd;

(ii) from Highway 89 at the intersection of Highway 12 through Panguitch, Junction, Marysvale, and Sevier County to Sigurd;

(iii) continuing northward along Highway 89 through Axtell and Sterling, Sanpete County, to Fairview, Sanpete County, at the junction with Utah Highway 31; and

(iv) continuing northward along Highway 89 through Fairview and Thistle Junction, to the junction with Highway 6; and

(B) including the following communities: Kanab, Mt. Carmel, Orderville, Glendale, Alton, Cannonville, Tropic, Henrieville, Escalante, Boulder, Teasdale, Fruita, Hanksville, Torrey, Bicknell, Loa, Hatch, Panguitch, Circleville, Antimony, Junction, Marysvale, Koosharem, Sevier, Joseph, Monroe, Elsinore, Richfield, Glenwood, Sigurd, Aurora, Salina, Mayfield, Sterling, Gunnison, Fayette, Manti, Ephraim, Spring City, Mt. Pleasant, Moroni, Fountain Green, and Fairview.

(2) MAP.—The Secretary shall prepare a map of the Heritage Area, which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(3) NOTICE TO LOCAL GOVERNMENTS.—The local coordinating entity shall provide to the government of each city, town, and county that has jurisdiction over property proposed to be included in the Heritage Area written notice of the proposed inclusion.

(c) ADMINISTRATION.—The Heritage Area shall be administered in accordance with this subtitle.

SEC. 255. DESIGNATION OF ALLIANCE AS LOCAL COORDINATING ENTITY.

(a) IN GENERAL.—The Board of Directors of the Alliance shall be the local coordinating entity for the Heritage Area.

(b) FEDERAL FUNDING.—

(1) AUTHORIZATION TO RECEIVE FUNDS.—The local coordinating entity may receive amounts made available to carry out this subtitle.

(2) DISQUALIFICATION.—If a management plan is not submitted to the Secretary as required under section 256 within the time period specified in that section, the local coordinating entity may not receive Federal funding under this subtitle until a management plan is submitted to the Secretary.

(c) USE OF FEDERAL FUNDS.—The local coordinating entity may, for the purposes of developing and implementing the management plan, use Federal funds made available under this subtitle—

(1) to make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with or provide technical assistance to the State, political subdivisions of the State, nonprofit organizations, and other organizations;

(3) to hire and compensate staff;

(4) to obtain funds from any source under any program or law requiring the recipient of funds to make a contribution in order to receive the funds; and

(5) to contract for goods and services.

(d) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds received under this subtitle to acquire real property or any interest in real property.

SEC. 256. MANAGEMENT OF THE HERITAGE AREA.

(a) HERITAGE AREA MANAGEMENT PLAN.—

(1) DEVELOPMENT AND SUBMISSION FOR REVIEW.—Not later than 3 years after the date on which funds are made available to carry out the subtitle, the local coordinating entity, with public participation, shall develop and submit for review to the Secretary a management plan for the Heritage Area.

(2) CONTENTS.—The management plan shall—

(A) present comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) take into consideration Federal, State, county, and local plans;

(C) involve residents, public agencies, and private organizations in the Heritage Area;

(D) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the Heritage Area;

(E) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(F) include—

(i) an inventory of resources in the Heritage Area that—

(I) includes a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the historical, cultural, or natural significance of the property as the property relates to the themes of the Heritage Area; and

(II) does not include any property that is privately owned unless the owner of the property consents in writing to the inclusion;

(ii) a recommendation of policies for resource management that consider the application of appropriate land and water management techniques, including policies for the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability;

(iii) a program for implementation of the management plan, including plans for restoration and construction;

(iv) a description of any commitments that have been made by persons interested in management of the Heritage Area;

(v) an analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this subtitle; and

(vi) an interpretive plan for the Heritage Area.

(3) APPROVAL OR DISAPPROVAL OF THE MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after submission of the management plan by the local coordinating entity, the Secretary shall approve or disapprove the management plan.

(B) DISAPPROVAL AND REVISIONS.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary shall—

(I) advise the local coordinating entity, in writing, of the reasons for the disapproval; and

(II) make recommendations for revision of the management plan.

(ii) APPROVAL OR DISAPPROVAL.—The Secretary shall approve or disapprove proposed revisions to the management plan not later than 60 days after receipt of the revisions from the local coordinating entity.

(b) PRIORITIES.—The local coordinating entity shall give priority to the implementation of actions, goals, and policies set forth in the management plan, including—

(1) assisting units of government, regional planning organizations, and nonprofit organizations in—

(A) conserving the historical, cultural, and natural resources of the Heritage Area;

(B) establishing and maintaining interpretive exhibits in the Heritage Area;

(C) developing recreational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for the historical, cultural, and natural resources of the Heritage Area;

(E) restoring historic buildings that are—

(i) located within the boundaries of the Heritage Area; and

(ii) related to the theme of the Heritage Area; and

(F) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means, including encouraging and soliciting the development of heritage products.

(c) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse units of government, businesses, private property owners, and nonprofit organizations in the Heritage Area.

(d) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least annually regarding the implementation of the management plan.

(e) ANNUAL REPORTS.—For any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, the local coordinating entity shall submit to the Secretary an annual report that describes—

(1) the accomplishments of the local coordinating entity;

(2) the expenses and income of the local coordinating entity; and

(3) the entities to which the local coordinating entity made any grants during the year for which the report is made.

COOPERATION WITH AUDITS.—For any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, the local coordinating entity shall—

(1) make available for audit by Congress, the Secretary, and appropriate units of government all records and other information relating to the expenditure of the Federal funds and any matching funds; and

(2) require, with respect to all agreements authorizing expenditure of the Federal funds by other organizations, that the receiving organizations make available for audit all records and other information relating to the expenditure of the Federal funds.

(g) DELEGATION.—

(1) IN GENERAL.—The local coordinating entity may delegate the responsibilities and actions under this subtitle for each area identified in section 254(b)(1).

(2) REVIEW.—All delegated responsibilities and actions are subject to review and approval by the local coordinating entity.

SEC. 257. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL ASSISTANCE AND GRANTS.—

(1) IN GENERAL.—The Secretary may provide technical assistance and, subject to the availability of appropriations, grants to—

(A) units of government, nonprofit organizations, and other persons, at the request of the local coordinating entity; and

(B) the local coordinating entity, for use in developing and implementing the management plan.

(2) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the award of technical assistance or grants under this subtitle, require any recipient of the technical assistance or a grant to enact or modify any land use restriction.

(3) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall determine whether a unit of government, nonprofit organization, or other person shall be awarded technical assistance or grants and the amount of technical assistance—

(A) based on the extent to which the assistance—

(i) fulfills the objectives of the management plan; and

(ii) achieves the purposes of this subtitle; and

(B) after giving special consideration to projects that provide a greater leverage of Federal funds.

(b) PROVISION OF INFORMATION.—In cooperation with other Federal agencies, the Secretary shall provide the public with information concerning the location and character of the Heritage Area.

(c) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations for the purposes of implementing this subtitle.

(d) DUTIES OF OTHER FEDERAL AGENCIES.—A Federal entity conducting any activity directly affecting the Heritage Area shall—

(1) consider the potential effect of the activity on the management plan; and

(2) consult with the local coordinating entity with respect to the activity to minimize the adverse effects of the activity on the Heritage Area.

SEC. 258A. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 258B. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 259. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, to remain available until expended, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) FEDERAL SHARE.—The Federal share of the cost of any activity carried out using funds made available under this subtitle shall not exceed 50 percent.

SEC. 260. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle E—Freedom's Frontier National Heritage Area

SEC. 261. SHORT TITLE.

This subtitle may be cited as the ''Freedom's Frontier National Heritage Area Act''.

SEC. 262. PURPOSE.

The purpose of this subtitle is to use preservation, conservation, education, interpretation, and recreation in eastern Kansas and Western Missouri in heritage development and sustainability of the American story recognized by the American people.

SEC. 263. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Freedom's Frontier National Heritage Area in eastern Kansas and western Missouri.

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means Territorial Kansas Heritage Alliance, recognized by the Secretary, in consultation with the Governors of the States, that agrees to perform the duties of a local coordinating entity under this subtitle, so long as that Alliance is composed of not less than 25 percent residents of Missouri.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area developed under section 264(e).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means each of the States of Kansas and Missouri.

(6) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means the government of a State, a political subdivision of a State, or an Indian tribe.

SEC. 264. FREEDOM'S FRONTIER NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the States the Freedom's Frontier National Heritage Area.

(b) BOUNDARIES.—The Heritage Area may include the following:

(1) An area located in eastern Kansas and western Missouri, consisting of—

(A) Allen, Anderson, Atchison, Bourbon, Chautauqua, Cherokee, Clay, Coffey, Crawford, Douglas, Franklin, Geary, Jackson, Johnson, Labette, Leavenworth, Linn, Miami, Neosho, Pottawatomie, Riley, Shawnee, Wabaunsee, Wilson, Woodson, Jefferson, Montgomery, Osage, and Wyandotte Counties in Kansas; and

(B) Buchanan, Platte, Clay, Ray, Lafayette, Jackson, Cass, Johnson, Bates, Vernon, Barton, and St. Clair Counties in Missouri.

(2) Contributing sites, buildings, and districts within the area that are recommended by the management plan.

(c) MAP.—The final boundary of the Heritage Area within the counties identified in subsection (b)(1) shall be specified in the management plan. A map of the Heritage Area shall be included in the management plan. The map shall be on file in the appropriate offices of the National Park Service, Department of the Interior.

(d) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The local coordinating entity for the Heritage Area shall be Territorial Kansas Heritage Alliance, a nonprofit organization established in the State of Kansas, recognized by the Secretary, in consultation with the Governors of the States, so long as that Alliance is composed of not less than 25 percent residents of Missouri and agrees to perform the duties of the local coordinating entity under this subtitle.

(2) AUTHORITIES.—For purposes of developing and implementing the management plan, the local coordinating entity may—

(A) make grants to, and enter into cooperative agreements with, the States, political subdivisions of the States, and private organizations;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and submit to the Secretary a management plan reviewed by participating units of local government within the boundaries of the proposed Heritage Area.

(2) CONTENTS.—The management plan shall—

(A) present a comprehensive program for the conservation, interpretation, funding, management, and development of the Heritage Area, in a manner consistent with the existing local, State, and Federal land use laws and compatible economic viability of the Heritage Area;

(B) establish criteria or standards to measure what is selected for conservation, interpretation, funding, management, and development;

(C) involve residents, public agencies, and private organizations working in the Heritage Area;

(D) specify and coordinate, as of the date of the management plan, existing and potential sources of technical and financial assistance under this and other Federal laws to protect, manage, and develop the Heritage Area; and

(E) include—

(i) actions to be undertaken by units of government and private organizations to protect, conserve, and interpret the resources of the Heritage Area;

(ii) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that meets the establishing criteria (such as, but not exclusive to, visitor readiness) to merit preservation, restoration, management, development, or maintenance because of its natural, cultural, historical, or recreational significance;

(iii) policies for resource management including the development of intergovernmental cooperative agreements, private sector agreements, or any combination thereof, to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability;

(iv) a program for implementation of the management plan by the designated local coordinating entity, in cooperation with its partners and units of local government;

(v) evidence that relevant State, county, and local plans applicable to the Heritage Area have been taken into consideration;

(vi) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this subtitle; and

(vii) a business plan that—

(I) describes in detail the role, operation, financing, and functions of the local coordinating entity for each activity included in the recommendations contained in the management plan; and

(II) provides, to the satisfaction of the Secretary, adequate assurances that the local coordinating entity is likely to have the financial resources necessary to implement the management plan for the Heritage Area, including resources to meet matching requirement for grants awarded under this subtitle.

(3) CONSIDERATIONS.—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area.

(4) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary within 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall be ineligible to receive additional funding under this subtitle until the date on which the Secretary receives the proposed management plan.

(5) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—The Secretary shall approve or disapprove the proposed management plan submitted under this subtitle not later than 90 days after receiving such proposed management plan.

(6) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed management plan, the Secretary shall advise the local coordinating entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(7) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve substantial amendments to the management plan. Funds appropriated under this subtitle may not be expended to implement any changes made by such amendment until the Secretary approves the amendment.

(8) IMPLEMENTATION.—

(A) PRIORITIES.—The local coordinating entity shall give priority to implementing actions described in the management plan, including—

(i) assisting units of government and nonprofit organizations in preserving resources within the Heritage Area; and

(ii) encouraging local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan.

(B) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly on the implementation of the management plan. Not less than 25 percent of the public meetings shall be conducted in Missouri.

(f) PUBLIC NOTICE.—The local coordinating entity shall place a notice of each of its public meetings in a newspaper of general circulation in the Heritage Area and shall make the minutes of the meeting available to the public.

(g) ANNUAL REPORT.—For any year in which Federal funds have been made available under this subtitle, the local coordinating entity shall submit to the Secretary an annual report that describes—

(1) the accomplishments of the local coordinating entity; and

(2) the expenses and income of the local coordinating entity.

(h) AUDIT.—The local coordinating entity shall—

(1) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(2) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of the Federal funds and any matching funds.

(i) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—No Federal funds made available under this subtitle may be used to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this subtitle precludes the local coordinating entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

SEC. 265. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant cultural, historic, and natural resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) SPENDING FOR NON-FEDERAL PROPERTY.—The local coordinating entity may expend Federal funds made available under this subtitle on non-Federal property that—

(A) meets the criteria in the approved management plan; or

(B) is listed or eligible for listing on the National Register of Historic Places.

(4) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations to carry out this subsection.

(b) OTHER FEDERAL AGENCIES.—Any Federal entity conducting or supporting an activity that directly affects the Heritage Area shall—

(1) consider the potential effect of the activity on the purposes of the Heritage Area and the management plan;

(2) consult with the local coordinating entity regarding the activity; and

(3) to the maximum extent practicable, conduct or support the activity to avoid adverse effects on the Heritage Area.

(c) OTHER ASSISTANCE NOT AFFECTED.—This subtitle does not affect the authority of any Federal official to provide technical or financial assistance under any other law.

(d) NOTIFICATION OF OTHER FEDERAL ACTIVITIES.—The head of each Federal agency shall provide to the Secretary and the local coordinating entity, to the extent practicable, advance notice of all activities that may have an impact on the Heritage Area.

SEC. 266. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this subtitle shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREAS.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) LAND USE REGULATION.—

(1) IN GENERAL.—The local coordinating entity shall provide assistance and encouragement to State and local governments, private organizations, and persons to protect and promote the resources and values of the Heritage Area.

(2) EFFECT.—Nothing in this subtitle—

(A) affects the authority of the State or local governments to regulate under law any use of land; or

(B) grants any power of zoning or land use to the local coordinating entity.

(f) PRIVATE PROPERTY.—

(1) IN GENERAL.—The local coordinating entity shall be an advocate for land management practices consistent with the purposes of the Heritage Area.

(2) EFFECT.—Nothing in this subtitle—

(A) abridges the rights of any person with regard to private property;

(B) affects the authority of the State or local government regarding private property; or

(C) imposes any additional burden on any property owner.

(g) REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.—

(1) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(2) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity

SEC. 267. SAVINGS PROVISIONS.

(a) RULES, REGULATIONS, STANDARDS, AND PERMIT PROCESSES.—Nothing in this subtitle shall be construed to impose any environmental, occupational, safety, or other rule, regulation, standard, or permit process in the Heritage Area that is different from those that would be applicable if the Heritage Area had not been established.

(b) WATER AND WATER RIGHTS.—Nothing in this subtitle shall be construed to authorize or imply the reservation or appropriation of water or water rights.

(c) NO DIMINISHMENT OF STATE AUTHORITY.—Nothing in this subtitle shall be construed to diminish the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area.

SEC. 268. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, to remain available until expended, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this subtitle shall be not more than 50 percent.

SEC. 269. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle F—Upper Housatonic Valley National Heritage Area

SEC. 271. SHORT TITLE.

This subtitle may be cited as the ''Upper Housatonic Valley National Heritage Area Act''.

SEC. 272. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The upper Housatonic Valley, encompassing 29 towns in the hilly terrain of western Massachusetts and northwestern Connecticut, is a singular geographical and cultural region that has made significant national contributions through its literary, artistic, musical, and architectural achievements, its iron, paper, and electrical equipment industries, and its scenic beautification and environmental conservation efforts.

(2) The upper Housatonic Valley has 139 properties and historic districts listed on the National Register of Historic Places, including—

(A) five National Historic Landmarks—

(i) Edith Wharton's home, The Mount, Lenox, Massachusetts;

(ii) Herman Melville's home, Arrowhead, Pittsfield, Massachusetts;

(iii) W.E.B. DuBois' Boyhood Homesite, Great Barrington, Massachusetts;

(iv) Mission House, Stockbridge, Massachusetts; and

(v) Crane and Company Old Stone Mill Rag Room, Dalton, Massachusetts; and

(B) four National Natural Landmarks—

(i) Bartholomew's Cobble, Sheffield, Massachusetts, and Salisbury, Connecticut;

(ii) Beckley Bog, Norfolk, Connecticut;

(iii) Bingham Bog, Salisbury, Connecticut; and

(iv) Cathedral Pines, Cornwall, Connecticut.

(3) Writers, artists, musicians, and vacationers have visited the region for more than 150 years to enjoy its scenic wonders, making it one of the country's leading cultural resorts.

(4) The upper Housatonic Valley has made significant national cultural contributions through such writers as Herman Melville, Nathaniel Hawthorne, Edith Wharton, and W.E.B. DuBois, artists Daniel Chester French and Norman Rockwell, and the performing arts centers of Tanglewood, Music Mountain, Norfolk (Connecticut) Chamber Music Festival, Jacob's Pillow, and Shakespeare & Company.

(5) The upper Housatonic Valley is noted for its pioneering achievements in the iron, paper, and electrical generation industries and has cultural resources to interpret those industries.

(6) The region became a national leader in scenic beautification and environmental conservation efforts following the era of industrialization and deforestation and maintains a fabric of significant conservation areas including the meandering Housatonic River.

(7) Important historical events related to the American Revolution, Shays' Rebellion, and early civil rights took place in the upper Housatonic Valley.

(8) The region had an American Indian presence going back 10,000 years and Mohicans had a formative role in contact with Europeans during the seventeenth and eighteenth centuries.

(9) The Upper Housatonic Valley National Heritage Area has been proposed in order to heighten appreciation of the region, preserve its natural and historical resources, and improve the quality of life and economy of the area.

(b) PURPOSES.—The purposes of this subtitle are as follows:

(1) To establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts.

(2) To implement the national heritage area alternative as described in the document entitled ''Upper Housatonic Valley National Heritage Area Feasibility Study, 2003''.

(3) To provide a management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the upper Housatonic Valley region to conserve the region's heritage while continuing to pursue compatible economic opportunities.

(4) To assist communities, organizations, and citizens in the State of Connecticut and the Commonwealth of Massachusetts in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations.

SEC. 273. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Upper Housatonic Valley National Heritage Area, established in section 274.

(2) MANAGEMENT ENTITY.—The term ''Management Entity'' means the management entity for the Heritage Area designated by section 274(d).

(3) MANAGEMENT PLAN.—The term ''Management Plan'' means the management plan for the Heritage Area specified in section 276.

(4) MAP.—The term ''map'' means the map entitled ''Boundary Map Upper Housatonic Valley National Heritage Area'', numbered P17/80,000, and dated February 2003.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of Connecticut and the Commonwealth of Massachusetts.

SEC. 274. UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Upper Housatonic Valley National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of—

(1) part of the Housatonic River's watershed, which extends 60 miles from Lanesboro, Massachusetts to Kent, Connecticut;

(2) the towns of Canaan, Colebrook, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren in Connecticut; and

(3) the towns of Alford, Becket, Dalton, Egremont, Great Barrington, Hancock, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge in Massachusetts.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(d) MANAGEMENT ENTITY.—The Upper Housatonic Valley National Heritage Area, Inc. shall be the management entity for the Heritage Area.

SEC. 275. AUTHORITIES, PROHIBITIONS, AND DUTIES OF THE MANAGEMENT ENTITY.

(a) DUTIES OF THE MANAGEMENT ENTITY.—To further the purposes of the Heritage Area, the management entity shall—

(1) prepare and submit a management plan for the Heritage Area to the Secretary in accordance with section 276;

(2) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect and enhance important resource values within the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for natural, historical, scenic, and cultural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with heritage area themes;

(F) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations and individuals to further the purposes of the Heritage Area;

(3) consider the interests of diverse units of government, businesses, organizations and individuals in the Heritage Area in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the management entity receives Federal funds under this subtitle, setting forth its accomplishments, expenses, and income, including grants to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this subtitle, all information pertaining to the expenditure of such funds and any matching funds, and require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic development that is consistent with the purposes of the Heritage Area.

(b) AUTHORITIES.—The management entity may, for the purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available through this subtitle to—

(1) make grants to the State of Connecticut and the Commonwealth of Massachusetts, their political subdivisions, nonprofit organizations and other persons;

(2) enter into cooperative agreements with or provide technical assistance to the State of Connecticut and the Commonwealth of Massachusetts, their subdivisions, nonprofit organizations, and other interested parties;

(3) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(4) obtain money or services from any source including any that are provided under any other Federal law or program;

(5) contract for goods or services; and

(6) undertake to be a catalyst for any other activity that furthers the purposes of the Heritage Area and is consistent with the approved management plan.

(c) PROHIBITIONS ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this subtitle to acquire real property, but may use any other source of funding, including other Federal funding outside this authority, intended for the acquisition of real property.

SEC. 276. MANAGEMENT PLAN.

(a) IN GENERAL.—The management plan for the Heritage Area shall—

(1) include comprehensive policies, strategies and recommendations for conservation, funding, management and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area in the first 5 years of implementation;

(5) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area related to the themes of the Heritage Area that should be preserved, restored, managed, developed, or maintained;

(6) describe a program of implementation for the management plan including plans for resource protection, restoration, construction, and specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of implementation; and

(7) include an interpretive plan for the Heritage Area.

(b) DEADLINE AND TERMINATION OF FUNDING.—

(1) DEADLINE.—The management entity shall submit the management plan to the Secretary for approval within 3 years after funds are made available for this subtitle.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal funding under this subtitle until such time as the management plan is submitted to the Secretary.

SEC. 277. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon the request of the management entity, provide technical assistance on a reimbursable or non-reimbursable basis and financial assistance to the Heritage Area to develop and implement the approved management plan. The Secretary is authorized to enter into cooperative agreements with the management entity and other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(1) conserving the significant natural, historical, cultural, and scenic resources of the Heritage Area; and

(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

(2) CRITERIA FOR APPROVAL.—In determining the approval of the management plan, the Secretary shall consider whether—

(A) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(B) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(C) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area; and

(D) the management plan is supported by the appropriate State and local officials whose cooperation is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision within 60 days after the date it is submitted.

(4) APPROVAL OF AMENDMENTS.—Substantial amendments to the management plan shall be reviewed by the Secretary and approved in the same manner as provided for the original management plan. The management entity shall not use Federal funds authorized by this subtitle to implement any amendments until the Secretary has approved the amendments.

SEC. 278. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this subtitle and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the Heritage Area.

SEC. 279. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their

property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 280. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this subtitle may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 280A. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this subtitle not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Area under this subtitle.

(b) MATCHING FUNDS.—Federal funding provided under this subtitle may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this subtitle.

SEC. 280B. SUNSET.

The authority of the Secretary to provide assistance under this subtitle shall terminate on the day occurring 15 years after the date of the enactment of this subtitle.

Subtitle G—Champlain Valley National Heritage Partnership

SEC. 281. SHORT TITLE.

This subtitle may be cited as the ''Champlain Valley National Heritage Partnership Act of 2006''.

SEC. 282. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Champlain Valley and its extensive cultural and natural resources have played a significant role in the history of the United States and the individual States of Vermont and New York;

(2) archaeological evidence indicates that the Champlain Valley has been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Iroquois and Algonquin descent;

(3) the linked waterways of the champlain valley, including the richelieu river in canada, played a unique and significant role in the establishment and development of the United States and canada through several distinct eras, including—

(A) the era of European exploration, during which Samuel de Champlain and other explorers used the waterways as a means of access through the wilderness;

(B) the era of military campaigns, including highly significant military campaigns of the French and Indian War, the American Revolution, and the War of 1812; and

(C) the era of maritime commerce, during which canal boats, schooners, and steamships formed the backbone of commercial transportation for the region;

(4) those unique and significant eras are best described by the theme ''The Making of Nations and Corridors of Commerce'';

(5) the artifacts and structures associated with those eras are unusually well-preserved;

(6) the Champlain Valley is recognized as having one of the richest collections of historical resources in North America;

(7) the history and cultural heritage of the Champlain Valley are shared with Canada and the Province of Quebec;

(8) there are benefits in celebrating and promoting this mutual heritage;

(9) tourism is among the most important industries in the Champlain Valley, and heritage tourism in particular plays a significant role in the economy of the Champlain Valley;

(10) it is important to enhance heritage tourism in the Champlain Valley while ensuring that increased visitation will not impair the historical and cultural resources of the region;

(11) according to the 1999 report of the National Park Service entitled ''Champlain Valley Heritage Corridor Project'', ''the Champlain Valley contains resources and represents a theme 'The Making of Nations and Corridors of Commerce', that is of outstanding importance in United States history''; and

(12) it is in the interest of the United States to preserve and interpret the historical and cultural resources of the Champlain Valley for the education and benefit of present and future generations.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York to recognize the importance of the historical, cultural, and recreational resources of the Champlain Valley region to the United States;

(2) to assist the States of Vermont and New York, including units of local government and nongovernmental organizations in the States, in preserving, protecting, and interpreting those resources for the benefit of the people of the United States;

(3) to use those resources and the theme ''the making of nations and corridors of commerce'' to—

(A) revitalize the economy of communities in the Champlain Valley; and

(B) generate and sustain increased levels of tourism in the Champlain Valley;

(4) to encourage—

(A) partnerships among State and local governments and nongovernmental organizations in the United States; and

(B) collaboration with canada and the province of quebec to—

(i) interpret and promote the history of the waterways of the Champlain Valley region;

(ii) form stronger bonds between the United States and Canada; and

(iii) promote the international aspects of the Champlain Valley region; and

(5) to provide financial and technical assistance for the purposes described in paragraphs (1) through (4).

SEC. 283. DEFINITIONS.

In this subtitle:

(1) HERITAGE PARTNERSHIP.—The term ''Heritage Partnership'' means the Champlain Valley National Heritage Partnership established by section 104(a).

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the Lake Champlain Basin Program.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan developed under section 284(b)(1)(B)(i).

(4) REGION.—

(A) IN GENERAL.—The term ''region'' means any area or community in 1 of the States in which a physical, cultural, or historical resource that represents the theme is located.

(B) INCLUSIONS.—The term ''region'' includes

(i) THE LINKED NAVIGABLE WATERWAYS OF.—

(I) Lake Champlain;

(II) Lake George;

(III) the Champlain Canal; and

(IV) the portion of the Upper Hudson River extending south to Saratoga;

(ii) portions of Grand Isle, Franklin, Chittenden, Addison, Rutland, and Bennington Counties in the State of Vermont; and

(iii) portions of Clinton, Essex, Warren, Saratoga and Washington Counties in the State of New York.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—the term ''State'' means

(A) the State of Vermont; and

(B) the State of New York.

(7) THEME.—The term ''theme'' means the theme ''The Making of Nations and Corridors of Commerce'', as the term is used in the 1999 report of the National Park Service entitled ''Champlain Valley Heritage Corridor Project'', that describes the periods of international conflict and maritime commerce during which the region played a unique and significant role in the development of the United States and Canada.

SEC. 284. HERITAGE PARTNERSHIP.

(a) ESTABLISHMENT.—There is established in the region the Champlain Valley National Heritage Partnership.

(b) MANAGEMENT ENTITY.—

(1) DUTIES.—

(A) IN GENERAL.—The management entity shall implement this subtitle.

(B) MANAGEMENT PLAN.—

(i) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall develop a management plan for the Heritage Partnership.

(ii) EXISTING PLAN.—Pending the completion and approval of the management plan, the management entity may implement the provisions of this subtitle based on its federally authorized plan ''Opportunities for Action, an Evolving Plan For Lake Champlain''.

(iii) CONTENTS.—The management plan shall include—

(I) recommendations for funding, managing, and developing the Heritage Partnership;

(II) a description of activities to be carried out by public and private organizations to protect the resources of the Heritage Partnership;

(III) a list of specific, potential sources of funding for the protection, management, and development of the Heritage Partnership;

(IV) an assessment of the organizational capacity of the management entity to achieve the goals for implementation; and

(V) recommendations of ways in which to encourage collaboration with Canada and the Province of Quebec in implementing this subtitle.

(iv) CONSIDERATIONS.—In developing the management plan under clause (i), the management entity shall take into consideration existing Federal, State, and local plans relating to the region.

(v) SUBMISSION TO SECRETARY FOR APPROVAL.—

(I) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(II) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in subclause (I), the Secretary shall not provide any additional funding under this subtitle until a management plan for the Heritage Partnership is submitted to the Secretary.

(vi) APPROVAL.—Not later than 90 days after receiving the management plan submitted under clause (v)(I), the Secretary, in consultation with the States, shall approve or disapprove the management plan.

(vii) ACTION FOLLOWING DISAPPROVAL.—

(I) GENERAL.—If the Secretary disapproves a management plan under clause (vi), the Secretary shall—

(aa) advise the management entity in writing of the reasons for the disapproval;

(bb) make recommendations for revisions to the management plan; and

(cc) allow the management entity to submit to the Secretary revisions to the management plan.

(II) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subclause (I)(cc), the Secretary shall approve or disapprove the revision.

(viii) AMENDMENT.—

(I) IN GENERAL.—After approval by the Secretary of the management plan, the management entity shall periodically—

(aa) review the management plan; and

(bb) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any amendments to the management plan that the management entity considers to be appropriate.

(II) EXPENDITURE OF FUNDS.—No funds made available under this subtitle shall be used to implement any amendment proposed by the management entity under subclause (I) until the Secretary approves the amendments.

(2) PARTNERSHIPS.—

(A) IN GENERAL.—In carrying out this subtitle, the management entity may enter into partnerships with—

(i) the States, including units of local governments in the States;

(ii) nongovernmental organizations;

(iii) Indian Tribes; and

(iv) other persons in the Heritage Partnership.

(B) GRANTS.—Subject to the availability of funds, the management entity may provide grants to partners under subparagraph (A) to assist in implementing this subtitle.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this subtitle to acquire real property or any interest in real property.

(c) ASSISTANCE FROM SECRETARY.—To carry out the purposes of this subtitle, the Secretary may provide technical and financial assistance to the management entity.

SEC. 285. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan until

(1) the management entity notifies the owner of the private property in writing; and

(2) the owner of the private property provides to the management entity written consent for the preservation, conservation, or promotion.

(b) LANDOWNER WITHDRAWAL.—Private property included within the boundary of the Heritage Partnership shall immediately be withdrawn from the Heritage Partnership if the owner of the property submits a written request to the management entity.

SEC. 286. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle—

(1) requires a private property owner to allow public access (including access by the Federal Government or State or local governments) to private property; or

(2) modifies any provision of Federal, State, or local law with respect to public access to, or use of, private property.

(b) LIABILITY.—Designation of the Heritage Partnership under this subtitle does not create any liability, or have any effect on liability under any other law, of a private property owner with respect to any persons injured on the private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle modifies any authority of the Federal Government or State or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS.—Nothing in this subtitle requires the owner of any private property located within the boundaries of the Heritage Partnership to participate in, or be associated with the Heritage Partnership.

(e) EFFECT OF ESTABLISHMENT.—

(1) IN GENERAL.—The boundaries designated for the Heritage Partnership represent the area within which Federal funds appropriated for the purpose of this subtitle shall be expended.

(2) REGULATORY AUTHORITY.—The establishment of the Heritage Partnership and the boundaries of the Heritage Partnership do not provide any regulatory authority that is not in existence on the date of enactment of this Act relating to land use within the Heritage Partnership or the viewshed of the Heritage Partnership by the Secretary, the National Park Service, or the management entity.

SEC. 287. EFFECT.

Nothing in this subtitle—

(1) grants powers of zoning or land use to the management entity; or

(2) obstructs or limits private business development activities or resource development activities.

SEC. 288. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle not more than a total of $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activities carried out using Federal funds made available under subsection (a) shall be not less than 50 percent.

SEC. 109. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle H—Great Basin National Heritage Route

SEC. 291. SHORT TITLE.

This subtitle may be cited as the ''Great Basin National Heritage Route Act''.

SEC. 291A. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the natural, cultural, and historic heritage of the North American Great Basin is nationally significant;

(2) communities along the Great Basin Heritage Route (including the towns of Delta, Utah, Ely, Nevada, and the surrounding communities) are located in a classic western landscape that contains long natural vistas, isolated high desert valleys, mountain ranges, ranches, mines, historic railroads, archaeological sites, and tribal communities;

(3) the Native American, pioneer, ranching, mining, timber, and railroad heritages associated with the Great Basin Heritage Route include the social history and living cultural traditions of a rich diversity of nationalities;

(4) the pioneer, Mormon, and other religious settlements, and ranching, timber, and mining activities of the region played and continue to play a significant role in the development of the United States, shaped by—

(A) the unique geography of the Great Basin;

(B) an influx of people of Greek, Chinese, Basque, Serb, Croat, Italian, and Hispanic descent; and

(C) a Native American presence (Western Shoshone, Northern and Southern Paiute, and Goshute) that continues in the Great Basin today;

(5) the Great Basin housed internment camps for Japanese-American citizens during World War II, 1 of which, Topaz, was located along the Heritage Route;

(6) the pioneer heritage of the Heritage Route includes the Pony Express route and stations, the Overland Stage, and many examples of 19th century exploration of the western United States;

(7) the Native American heritage of the Heritage Route dates back thousands of years and includes—

(A) archaeological sites;

(B) petroglyphs and pictographs;

(C) the westernmost village of the Fremont culture; and

(D) communities of Western Shoshone, Paiute, and Goshute tribes;

(8) the Heritage Route contains multiple biologically diverse ecological communities that are home to exceptional species such as—

(A) bristlecone pines, the oldest living trees in the world;

(B) wildlife adapted to harsh desert conditions;

(C) unique plant communities, lakes, and streams; and

(D) native Bonneville cutthroat trout;

(9) the air and water quality of the Heritage Route is among the best in the United States, and the clear air permits outstanding viewing of the night skies;

(10) the Heritage Route includes unique and outstanding geologic features such as numerous limestone caves, classic basin and range topography with playa lakes, alluvial fans, volcanics, cold and hot springs, and recognizable features of ancient Lake Bonneville;

(11) the Heritage Route includes an unusual variety of open space and recreational and educational opportunities because of the great quantity of ranching activity and public land (including city, county, and State parks, national forests, Bureau of Land Management land, and a national park);

(12) there are significant archaeological, historical, cultural, natural, scenic, and recreational resources in the Great Basin to merit the involvement of the Federal Government in the development, in cooperation with the Great Basin Heritage Route Partnership and other local and governmental entities, of programs and projects to—

(A) adequately conserve, protect, and interpret the heritage of the Great Basin for present and future generations; and

(B) provide opportunities in the Great Basin for education; and

(13) the Great Basin Heritage Route Partnership shall serve as the local coordinating entity for a Heritage Route established in the Great Basin.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities within White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation;

(2) to enable communities referred to in paragraph (1) to conserve their heritage while continuing to develop economic opportunities; and

(3) to conserve, interpret, and develop the archaeological, historical, cultural, natural, scenic, and recreational resources related to the unique ranching, industrial, and cultural heritage of the Great Basin, in a manner that promotes multiple uses permitted as of the date of enactment of this Act, without managing or regulating land use.

SEC. 291B. DEFINITIONS.

In this subtitle:

(1) GREAT BASIN.—The term ''Great Basin'' means the North American Great Basin.

(2) HERITAGE ROUTE.—The term ''Heritage Route'' means the Great Basin National Heritage Route established by section 291C(a).

(3) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Great Basin Heritage Route Partnership established by section 291C(c).

(4) MANAGEMENT PLAN.—The term ''management plan'' means the plan developed by the local coordinating entity under section 291E(a).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 291C. GREAT BASIN NATIONAL HERITAGE ROUTE.

(a) ESTABLISHMENT.—There is established the Great Basin National Heritage Route to provide the public with access to certain historical, cultural, natural, scenic, and recreational resources in White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation in the State of Nevada, as designated by the local coordinating entity.

(b) BOUNDARIES.—The local coordinating entity shall determine the specific boundaries of the Heritage Route.

(c) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The Great Basin Heritage Route Partnership shall serve as the local coordinating entity for the Heritage Route.

(2) BOARD OF DIRECTORS.—The Great Basin Heritage Route Partnership shall be governed by a board of directors that consists of—

(A) 4 members who are appointed by the Board of County Commissioners for Millard County, Utah;

(B) 4 members who are appointed by the Board of County Commissioners for White Pine County, Nevada; and

(C) a representative appointed by each Native American Tribe participating in the Heritage Route.

SEC. 291D. MEMORANDUM OF UNDERSTANDING.

(a) IN GENERAL.—In carrying out this subtitle, the Secretary, in consultation with the Governors of the States of Nevada and Utah and the tribal government of each Indian tribe participating in the Heritage Route, shall enter into a memorandum of understanding with the local coordinating entity.

(b) INCLUSIONS.—The memorandum of understanding shall include information relating to the objectives and management of the Heritage Route, including—

(1) a description of the resources of the Heritage Route;

(2) a discussion of the goals and objectives of the Heritage Route, including—

(A) an explanation of the proposed approach to conservation, development, and interpretation; and

(B) a general outline of the anticipated protection and development measures;

(3) a description of the local coordinating entity;

(4) a list and statement of the financial commitment of the initial partners to be involved in developing and implementing the management plan; and

(5) a description of the role of the States of Nevada and Utah in the management of the Heritage Route.

(c) ADDITIONAL REQUIREMENTS.—In developing the terms of the memorandum of understanding, the Secretary and the local coordinating entity shall—

(1) provide opportunities for local participation; and

(2) include terms that ensure, to the maximum extent practicable, timely implementation of all aspects of the memorandum of understanding.

(d) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review any amendments of the memorandum of understanding proposed by the local coordinating entity or the Governor of the State of Nevada or Utah.

(2) USE OF FUNDS.—Funds made available under this subtitle shall not be expended to implement a change made by a proposed amendment described in paragraph (1) until the Secretary approves the amendment.

SEC. 291E. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and submit to the Secretary for approval a management plan for the Heritage Route that—

(1) specifies—

(A) any resources designated by the local coordinating entity under section 291C(a); and

(B) the specific boundaries of the Heritage Route, as determined under section 291C(b); and

(2) presents clear and comprehensive recommendations for the conservation, funding, management, and development of the Heritage Route.

(b) CONSIDERATIONS.—In developing the management plan, the local coordinating entity shall—

(1) provide for the participation of local residents, public agencies, and private organizations located within the counties of Millard County, Utah, White Pine County, Nevada, and the Duckwater Shoshone Reservation in the protection and development of resources of the Heritage Route, taking into consideration State, tribal, county, and local land use plans in existence on the date of enactment of this Act;

(2) identify sources of funding;

(3) include—

(A) a program for implementation of the management plan by the local coordinating entity, including—

(i) plans for restoration, stabilization, rehabilitation, and construction of public or tribal property; and

(ii) specific commitments by the identified partners referred to in section 291D(b)(4) for the first 5 years of operation; and

(B) an interpretation plan for the Heritage Route; and

(4) develop a management plan that will not infringe on private property rights without the consent of the owner of the private property.

(c) FAILURE TO SUBMIT.—If the local coordinating entity fails to submit a management plan to the Secretary in accordance with subsection (a), the Heritage Route shall no longer qualify for Federal funding.

(d) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receipt of a management plan under subsection (a), the Secretary, in consultation with the Governors of the States of Nevada and Utah, shall approve or disapprove the management plan.

(2) CRITERIA.—In determining whether to approve a management plan, the Secretary shall consider whether the management plan—

(A) has strong local support from a diversity of landowners, business interests, nonprofit organizations, and governments associated with the Heritage Route;

(B) is consistent with and complements continued economic activity along the Heritage Route;

(C) has a high potential for effective partnership mechanisms;

(D) avoids infringing on private property rights; and

(E) provides methods to take appropriate action to ensure that private property rights are observed.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(A) advise the local coordinating entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 90 days after the receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

(e) IMPLEMENTATION.—On approval of the management plan as provided in subsection (d)(1), the local coordinating entity, in conjunction with the Secretary, shall take appropriate steps to implement the management plan.

(f) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.

(2) USE OF FUNDS.—Funds made available under this subtitle shall not be expended to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

SEC. 291F. AUTHORITY AND DUTIES OF LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—The local coordinating entity may, for purposes of preparing and implementing the management plan, use funds made available under this subtitle to—

(1) make grants to, and enter into cooperative agreements with, a State (including a political subdivision), an Indian tribe, a private organization, or any person; and

(2) hire and compensate staff.

(b) DUTIES.—In addition to developing the management plan, the local coordinating entity shall—

(1) give priority to implementing the memorandum of understanding and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in—

(i) establishing and maintaining interpretive exhibits along the Heritage Route;

(ii) developing recreational resources along the Heritage Route;

(iii) increasing public awareness of and appreciation for the archaeological, historical, cultural, natural, scenic, and recreational resources and sites along the Heritage Route; and

(iv) if requested by the owner, restoring, stabilizing, or rehabilitating any private, public, or tribal historical building relating to the themes of the Heritage Route;

(B) encourage economic viability and diversity along the Heritage Route in accordance with the objectives of the management plan; and

(C) encourage the installation of clear, consistent, and environmentally appropriate signage identifying access points and sites of interest along the Heritage Route;

(2) consider the interests of diverse governmental, business, and nonprofit groups associated with the Heritage Route;

(3) conduct public meetings in the region of the Heritage Route at least semiannually regarding the implementation of the management plan;

(4) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for approval by the Secretary; and

(5) for any year for which Federal funds are received under this subtitle—

(A) submit to the Secretary a report that describes, for the year—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity; and

(iii) each entity to which any loan or grant was made;

(B) make available for audit all records pertaining to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing the expenditure of Federal funds by any entity, that the receiving entity make available for audit all records pertaining to the expenditure of the funds.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds made available under this subtitle to acquire real property or any interest in real property.

(d) PROHIBITION ON THE REGULATION OF LAND USE.—The local coordinating entity shall not regulate land use within the Heritage Route.

SEC. 291G. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may, on request of the local coordinating entity, provide technical and financial assistance to develop and implement the management plan and memorandum of understanding.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall, on request of the local coordinating entity, give priority to actions that assist in—

(A) conserving the significant archaeological, historical, cultural, natural, scenic, and recreational resources of the Heritage Route; and

(B) providing education, interpretive, and recreational opportunities, and other uses consistent with those resources.

(b) APPLICATION OF FEDERAL LAW.—The establishment of the Heritage Route shall have no effect on the application of any Federal law to any property within the Heritage Route.

SEC. 291H. LAND USE REGULATION; APPLICABILITY OF FEDERAL LAW.

(a) LAND USE REGULATION.—Nothing in this subtitle—

(1) modifies, enlarges, or diminishes any authority of the Federal, State, tribal, or local government to regulate by law (including by regulation) any use of land; or

(2) grants any power of zoning or land use to the local coordinating entity.

(b) APPLICABILITY OF FEDERAL LAW.—Nothing in this subtitle—

(1) imposes on the Heritage Route, as a result of the designation of the Heritage Route, any regulation that is not applicable to the area within the Heritage Route as of the date of enactment of this Act; or

(2) authorizes any agency to promulgate a regulation that applies to the Heritage Route solely as a result of the designation of the Heritage Route under this subtitle.

SEC. 291I. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of any activity assisted under this subtitle shall not exceed 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of in-kind contributions, donations, grants, and loans from individuals and State or local governments or agencies.

SEC. 291J. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 291K. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Route until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Route shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 291L. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Route shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE ROUTE.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Route to participate in or be associated with the Heritage Route.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Route represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Route and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Route or its viewshed by the Secretary, the National Park Service, or the management entity.

Subtitle I—Gullah/Geechee Heritage Corridor

SEC. 295. SHORT TITLE.

This subtitle may be cited as the ''Gullah/Geechee Cultural Heritage Act''.

SEC. 295A. PURPOSES.

The purposes of this subtitle are to—

(1) recognize the important contributions made to American culture and history by African Americans known as the Gullah/Geechee who settled in the coastal counties of South Carolina, Georgia, North Carolina, and Florida;

(2) assist State and local governments and public and private entities in South Carolina, Georgia, North Carolina, and Florida in interpreting the story of the Gullah/Geechee and preserving Gullah/Geechee folklore, arts, crafts, and music; and

(3) assist in identifying and preserving sites, historical data, artifacts, and objects associated with the Gullah/Geechee for the benefit and education of the public.

SEC. 295B. DEFINITIONS.

In this subtitle:

(1) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Gullah/Geechee Cultural Heritage Corridor Commission established by section 295D(a).

(2) HERITAGE CORRIDOR.—The term ''Heritage Corridor'' means the Gullah/Geechee Cultural Heritage Corridor established by section 295C(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 295C. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR.

(a) ESTABLISHMENT.—There is established the Gullah/Geechee Cultural Heritage Corridor.

(b) BOUNDARIES.—

(1) IN GENERAL.—The Heritage Corridor shall be comprised of those lands and waters generally depicted on a map entitled ''Gullah/Geechee Cultural Heritage Corridor'' numbered GGCHC 80,000 and dated September 2004. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and in an appropriate State office in each of the States included in the Heritage Corridor. The Secretary shall publish in the Federal Register, as soon as practicable after the date of enactment of this Act, a detailed description and map of the boundaries established under this subsection.

(2) REVISIONS.—The boundaries of the Heritage Corridor may be revised if the revision is—

(A) proposed in the management plan developed for the Heritage Corridor;

(B) approved by the Secretary in accordance with this subtitle; and

(C) placed on file in accordance with paragraph (1).

(c) ADMINISTRATION.—The Heritage Corridor shall be administered in accordance with the provisions of this subtitle.

SEC. 295D. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a local coordinating entity to be known as the ''Gullah/Geechee Cultural Heritage Corridor Commission'' whose purpose shall be to assist Federal, State, and local authorities in the development and implementation of a management plan for those land and waters specified in section 295C(b).

(b) MEMBERSHIP.—The local coordinating entity shall be composed of 15 members appointed by the Secretary as follows:

(1) Four individuals nominated by the State Historic Preservation Officer of South Carolina and two individuals each nominated by the State Historic Preservation Officer of each of Georgia, North Carolina, and Florida and appointed by the Secretary.

(2) Two individuals from South Carolina and one individual from each of Georgia, North Carolina, and Florida who are recognized experts in historic preservation, anthropology, and folklore, appointed by the Secretary.

(c) TERMS.—Members of the local coordinating entity shall be appointed to terms not to exceed 3 years. The Secretary may stagger the terms of the initial appointments to the local coordinating entity in order to assure continuity of operation. Any member of the local coordinating entity may serve after the expiration of their term until a successor is appointed. A vacancy shall be filled in the same manner in which the original appointment was made.

(d) TERMINATION.—The local coordinating entity shall terminate 10 years after the date of enactment of this Act.

SEC. 295E. OPERATION OF THE LOCAL COORDINATING ENTITY.

(a) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Corridor, the local coordinating entity shall—

(1) prepare and submit a management plan to the Secretary in accordance with section 295F;

(2) assist units of local government and other persons in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Corridor;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Corridor;

(C) developing recreational and educational opportunities in the Heritage Corridor;

(D) increasing public awareness of and appreciation for the historical, cultural, natural, and scenic resources of the Heritage Corridor;

(E) protecting and restoring historic sites and buildings in the Heritage Corridor that are consistent with Heritage Corridor themes;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are posted throughout the Heritage Corridor; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Corridor;

(3) consider the interests of diverse units of government, business, organizations, and individuals in the Heritage Corridor in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, setting forth its accomplishments, expenses, and income, including grants made to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this subtitle, all information pertaining to the expenditure of such funds and any matching funds, and require all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organization make available for audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic viability that is consistent with the purposes of the Heritage Corridor.

(b) AUTHORITIES.—The local coordinating entity may, for the purposes of preparing and implementing the management plan, use funds made available under this subtitle to—

(1) make grants to, and enter into cooperative agreements with, the States of South Carolina, North Carolina, Florida, and Georgia, political subdivisions of those States, a nonprofit organization, or any person;

(2) hire and compensate staff;

(3) obtain funds from any source including any that are provided under any other Federal law or program; and

(4) contract for goods and services.

SEC. 295F. MANAGEMENT PLAN.

(a) IN GENERAL.—The management plan for the Heritage Corridor shall—

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Corridor;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the historical, cultural, and natural resources of the Heritage Corridor;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Corridor in the first 5 years of implementation;

(5) include an inventory of the historical, cultural, natural, resources of the Heritage Corridor related to the themes of the Heritage Corridor that should be preserved, restored, managed, developed, or maintained;

(6) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the Heritage Corridor's historical, cultural, and natural resources;

(7) describe a program for implementation of the management plan including plans for resources protection, restoration, construction, and specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual for the first 5 years of implementation;

(8) include an analysis and recommendations for the ways in which Federal, State, or local programs may best be coordinated to further the purposes of this subtitle; and

(9) include an interpretive plan for the Heritage Corridor.

(b) SUBMITTAL OF MANAGEMENT PLAN.—The local coordinating entity shall submit the management plan to the Secretary for approval not later than 3 years after funds are made available for this subtitle.

(c) FAILURE TO SUBMIT.—If the local coordinating entity fails to submit the management plan to the Secretary in accordance with subsection (b), the Heritage Corridor shall not qualify for Federal funding until the management plan is submitted.

(d) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

(2) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(B) the resource preservation and interpretation strategies contained in the management plan would adequately protect the cultural and historic resources of the Heritage Corridor; and

(C) the Secretary has received adequate assurances from appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall advise the local coordinating entity in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision not later than 60 days after the date it is submitted.

(4) APPROVAL OF AMENDMENTS.—Substantial amendments to the management plan shall be reviewed and approved by the Secretary in the same manner as provided in the original management plan. The local coordinating entity shall not use Federal funds authorized by this subtitle to implement any amendments until the Secretary has approved the amendments.

SEC. 295G. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) IN GENERAL.—Upon a request of the local coordinating entity, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(b) PRIORITY FOR ASSISTANCE.—In providing assistance under subsection (a), the Secretary shall give priority to actions that assist in—

(1) conserving the significant cultural, historical, and natural resources of the Heritage Corridor; and

(2) providing educational and interpretive opportunities consistent with the purposes of the Heritage Corridor.

(c) SPENDING FOR NON-FEDERAL PROPERTY.—

(1) IN GENERAL.—The local coordinating entity may expend Federal funds made available under this subtitle on nonfederally owned property that is—

(A) identified in the management plan; or

(B) listed or eligible for listing on the National Register for Historic Places.

(2) AGREEMENTS.—Any payment of Federal funds made pursuant to this subtitle shall be subject to an agreement that conversion, use, or disposal of a project so assisted for purposes contrary to the purposes of this subtitle, as determined by the Secretary, shall result in a right of the United States to compensation of all funds made available to that project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

SEC. 295H. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal agency conducting or supporting activities directly affecting the Heritage Corridor shall—

(1) consult with the Secretary and the local coordinating entity with respect to such activities;

(2) cooperate with the Secretary and the local coordinating entity in carrying out their duties under this subtitle and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner in which the local coordinating entity determines will not have an adverse effect on the Heritage Corridor.

SEC. 295I. COASTAL HERITAGE CENTERS.

In furtherance of the purposes of this subtitle and using the authorities made available under this subtitle, the local coordinating entity shall establish one or more Coastal Heritage Centers at appropriate locations within the Heritage Corridor in accordance with the preferred alternative identified in the Record of Decision for the Low Country Gullah Culture Special Resource Study and Environmental Impact Study, December 2003, and additional appropriate sites.

SEC. 295J. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this subtitle shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) LIABILITY.—Designation of the Heritage Corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE CORRIDOR.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Corridor to participate in or be associated with the Heritage Corridor.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Corridor represent the area within which Federal funds appropriated for the purpose of this subtitle shall be expended. The establishment of the Heritage Corridor and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Corridor or its viewshed by the Secretary or the local coordinating entity.

(f) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Corridor until the owner of that private property has been notified in writing by the local coordinating entity and has given written consent for such preservation, conservation, or promotion to the local coordinating entity.

(g) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the Heritage Corridor shall have their property immediately removed from within the boundary by submitting a written request to the local coordinating entity.

SEC. 295K. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this subtitle not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Corridor under this subtitle.

(b) COST SHARE.—Federal funding provided under this subtitle may not exceed 50 percent of the total cost of any activity for which assistance is provided under this subtitle.

(c) IN-KIND CONTRIBUTIONS.—The Secretary may accept in-kind contributions as part of the non-Federal cost share of any activity for which assistance is provided under this subtitle.

SEC. 295L. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle J—Crossroads of the American Revolution National Heritage Area

SEC. 297. SHORT TITLE.

This subtitle may be cited as the ''Crossroads of the American Revolution National Heritage Area Act of 2006''.

SEC. 297A. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the State of New Jersey was critically important during the American Revolution because of the strategic location of the State between the British armies headquartered in New York City, New York, and the Continental Congress in the city of Philadelphia, Pennsylvania;

(2) General George Washington spent almost half of the period of the American Revolution personally commanding troops of the Continental Army in the State of New Jersey, including 2 severe winters spent in encampments in the area that is now Morristown National Historical Park, a unit of the National Park System;

(3) it was during the 10 crucial days of the American Revolution between December 25, 1776, and January 3, 1777, that General Washington, after retreating across the State of New Jersey from the State of New York to the Commonwealth of Pennsylvania in the face of total defeat, recrossed the Delaware River on the night of December 25, 1776, and went on to win crucial battles at Trenton and Princeton in the State of New Jersey;

(4) Thomas Paine, who accompanied the troops during the retreat, described the events during those days as ''the times that try men's souls'';

(5) the sites of 296 military engagements are located in the State of New Jersey, including—

(A) several important battles of the American Revolution that were significant to—

(i) the outcome of the American Revolution; and

(ii) the history of the United States; and

(B) several national historic landmarks, including Washington's Crossing, the Old Trenton Barracks, and Princeton, Monmouth, and Red Bank Battlefields;

(6) additional national historic landmarks in the State of New Jersey include the homes of—

(A) Richard Stockton, Joseph Hewes, John Witherspoon, and Francis Hopkinson, signers of the Declaration of Independence;

(B) Elias Boudinout, President of the Continental Congress; and

(C) William Livingston, patriot and Governor of the State of New Jersey from 1776 to 1790;

(7) portions of the landscapes important to the strategies of the British and Continental armies, including waterways, mountains, farms, wetlands, villages, and roadways—

(A) retain the integrity of the period of the American Revolution; and

(B) offer outstanding opportunities for conservation, education, and recreation;

(8) the National Register of Historic Places lists 251 buildings and sites in the National Park Service study area for the Crossroads of the American Revolution that are associated with the period of the American Revolution;

(9) civilian populations residing in the State of New Jersey during the American Revolution suffered extreme hardships because of—

(A) the continuous conflict in the State;

(B) foraging armies; and

(C) marauding contingents of loyalist Tories and rebel sympathizers;

(10) because of the important role that the State of New Jersey played in the successful outcome of the American Revolution, there is a Federal interest in developing a regional framework to assist the State of New Jersey, local governments and organizations, and private citizens in—

(A) preserving and protecting cultural, historic, and natural resources of the period; and

(B) bringing recognition to those resources for the educational and recreational benefit of the present and future generations of citizens of the United States; and

(11) the National Park Service has conducted a national heritage area feasibility study in the State of New Jersey that demonstrates that there is a sufficient assemblage of nationally distinctive cultural, historic, and natural resources necessary to establish the Crossroads of the American Revolution National Heritage Area.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to assist communities, organizations, and citizens in the State of New Jersey in preserving—

(A) the special historic identity of the State; and

(B) the importance of the State to the United States;

(2) to foster a close working relationship among all levels of government, the private sector, and local communities in the State;

(3) to provide for the management, preservation, protection, and interpretation of the cultural, historic, and natural resources of the State for the educational and inspirational benefit of future generations;

(4) to strengthen the value of Morristown National Historical Park as an asset to the State by—

(A) establishing a network of related historic resources, protected landscapes, educational opportunities, and events depicting the landscape of the State of New Jersey during the American Revolution; and

(B) establishing partnerships between Morristown National Historical Park and other public and privately owned resources in the Heritage Area that represent the strategic fulcrum of the American Revolution; and

(5) to authorize Federal financial and technical assistance for the purposes described in paragraphs (1) through (4).

SEC. 297B. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Crossroads of the American Revolution National Heritage Area established by section 297C(a).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the Heritage Area designated by section 297C(d).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area developed under section 297D.

(4) MAP.—The term ''map'' means the map entitled ''Crossroads of the American Revolution National Heritage Area'', numbered CRRE/80,000, and dated April 2002.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of New Jersey.

SEC. 297C. CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Crossroads of the American Revolution National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall consist of the land and water within the boundaries of the Heritage Area, as depicted on the map.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) LOCAL COORDINATING ENTITY.—The Crossroads of the American Revolution Association, Inc., a nonprofit corporation in the State, shall be the local coordinating entity for the Heritage Area.

SEC. 297D. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and forward to the Secretary a management plan for the Heritage Area.

(b) REQUIREMENTS.—The management plan shall—

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans;

(3) describe actions that units of local government, private organizations, and individuals have agreed to take to protect the cultural, historic, and natural resources of the Heritage Area;

(4) identify existing and potential sources of funding for the protection, management, and development of the Heritage Area during the first 5 years of implementation of the management plan; and

(5) include—

(A) an inventory of the cultural, educational, historic, natural, recreational, and scenic resources of the Heritage Area relating to the themes of the Heritage Area that should be restored, managed, or developed;

(B) recommendations of policies and strategies for resource management that result in—

(i) application of appropriate land and water management techniques; and

(ii) development of intergovernmental and interagency cooperative agreements to protect the cultural, educational, historic, natural, recreational, and scenic resources of the Heritage Area;

(C) a program of implementation of the management plan that includes for the first 5 years of implementation—

(i) plans for resource protection, restoration, construction; and

(ii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual;

(D) an analysis of and recommendations for ways in which Federal, State, and local programs, including programs of the National Park Service, may be best coordinated to promote the purposes of this subtitle; and

(E) an interpretive plan for the Heritage Area.

(c) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after the date of receipt of the management plan under subsection (a), the Secretary shall approve or disapprove the management plan.

(2) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the Board of Directors of the local coordinating entity is representative of the diverse interests of the Heritage Area, including—

(i) governments;

(ii) natural and historic resource protection organizations;

(iii) educational institutions;

(iv) businesses; and

(v) recreational organizations;

(B) the local coordinating entity provided adequate opportunity for public and governmental involvement in the preparation of the management plan, including public hearings;

(C) the resource protection and interpretation strategies in the management plan would adequately protect the cultural, historic, and natural resources of the Heritage Area; and

(D) the Secretary has received adequate assurances from the appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under paragraph (1), the Secretary shall—

(A) advise the local coordinating entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 60 days after the receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

(d) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.

(2) USE OF FUNDS.—Funds made available under this subtitle shall not be expended by the local coordinating entity to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

(e) IMPLEMENTATION.—On completion of the 3-year period described in subsection (a), any funding made available under this subtitle shall be made available to the local coordinating entity only for implementation of the approved management plan.

SEC. 297E. AUTHORITIES, DUTIES, AND PROHIBITIONS APPLICABLE TO THE LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—For purposes of preparing and implementing the management plan, the local coordinating entity may use funds made available under this subtitle to—

(1) make grants to, provide technical assistance to, and enter into cooperative agreements with, the State (including a political subdivision), a nonprofit organization, or any other person;

(2) hire and compensate staff, including individuals with expertise in—

(A) cultural, historic, or natural resource protection; or

(B) heritage programming;

(3) obtain funds or services from any source (including a Federal law or program);

(4) contract for goods or services; and

(5) support any other activity—

(A) that furthers the purposes of the Heritage Area; and

(B) that is consistent with the management plan.

(b) DUTIES.—In addition to developing the management plan, the local coordinating entity shall—

(1) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for cultural, historic, and natural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings that are—

(i) located in the Heritage Area; and

(ii) related to the themes of the Heritage Area;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are installed throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(2) in preparing and implementing the management plan, consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area;

(3) conduct public meetings at least semiannually regarding the development and implementation of the management plan;

(4) for any fiscal year for which Federal funds are received under this subtitle—

(A) submit to the Secretary a report that describes for the year—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity; and

(iii) each entity to which a grant was made;

(B) make available for audit all information relating to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing expenditures of Federal funds by any entity, that the receiving entity make available for audit all records and other information relating to the expenditure of the funds;

(5) encourage, by appropriate means, economic viability that is consistent with the purposes of the Heritage Area; and

(6) maintain headquarters for the local coordinating entity at Morristown National Historical Park and in Mercer County.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—

(1) FEDERAL FUNDS.—The local coordinating entity shall not use Federal funds made available under this subtitle to acquire real property or any interest in real property.

(2) OTHER FUNDS.—Notwithstanding paragraph (1), the local coordinating entity may acquire real property or an interest in real property using any other source of funding, including other Federal funding.

SEC. 297F. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance to the Heritage Area for the development and implementation of the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant cultural, historic, natural, and scenic resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Morristown National Historical Park may, on request, provide to public and private organizations in the Heritage Area, including the local coordinating entity, any operational assistance that is appropriate for the purpose of supporting the implementation of the management plan.

(4) PRESERVATION OF HISTORIC PROPERTIES.—To carry out the purposes of this subtitle, the Secretary may provide assistance to a State or local government or nonprofit organization to provide for the appropriate treatment of—

(A) historic objects; or

(B) structures that are listed or eligible for listing on the National Register of Historic Places.

(5) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to carry out this subsection.

(b) OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting an activity that directly affects the Heritage Area shall—

(1) consult with the Secretary and the local coordinating entity regarding the activity;

(2)(A) cooperate with the Secretary and the local coordinating entity in carrying out the of the Federal agency under this subtitle; and

(B) to the maximum extent practicable, coordinate the activity with the carrying out of those duties; and

(3) to the maximum extent practicable, conduct the activity to avoid adverse effects on the Heritage Area.

SEC. 297G. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $10,000,000, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity assisted under this subtitle shall be not more than 50 percent.

SEC. 297H. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 297I. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 297J. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

TITLE III—NATIONAL HERITAGE AREA STUDIES

Subtitle A—Western Reserve Heritage Area Study

SEC. 301. SHORT TITLE.

This subtitle may be cited as the ''Western Reserve Heritage Areas Study Act''.

SEC. 302. NATIONAL PARK SERVICE STUDY REGARDING THE WESTERN RESERVE, OHIO.

(a) FINDINGS.—The Congress finds the following:

(1) The area that encompasses the modern-day counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio with the rich history in what was once the Western Reserve, has made a unique contribution to the cultural, political, and industrial development of the United States.

(2) The Western Reserve is distinctive as the land settled by the people of Connecticut after

the Revolutionary War. The Western Reserve holds a unique mark as the original wilderness land of the West that many settlers migrated to in order to begin life outside of the original 13 colonies.

(3) The Western Reserve played a significant role in providing land to the people of Connecticut whose property and land was destroyed during the Revolution. These settlers were descendants of the brave immigrants who came to the Americas in the 17th century.

(4) The Western Reserve offered a new destination for those who moved west in search of land and prosperity. The agricultural and industrial base that began in the Western Reserve still lives strong in these prosperous and historical counties.

(5) The heritage of the Western Reserve remains transfixed in the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio. The people of these counties are proud of their heritage as shown through the unwavering attempts to preserve agricultural land and the industrial foundation that has been embedded in this region since the establishment of the Western Reserve. Throughout these counties, historical sites, and markers preserve the unique traditions and customs of its original heritage.

(6) The counties that encompass the Western Reserve continue to maintain a strong connection to its historic past as seen through its preservation of its local heritage, including historic homes, buildings, and centers of public gatherings.

(7) There is a need for assistance for the preservation and promotion of the significance of the Western Reserve as the natural, historic and cultural heritage of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa and Ashland in Ohio.

(8) The Department of the Interior is responsible for protecting the Nation's cultural and historical resources. There are significant examples of such resources within these counties and what was once the Western Reserve to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the State of Ohio and other local governmental entities, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) STUDY.—

(1) IN GENERAL.—The Secretary, acting through the National Park Service Rivers, Trails, and Conservation Assistance Program, Midwest Region, and in consultation with the State of Ohio, the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland, and other appropriate organizations, shall carry out a study regarding the suitability and feasibility of establishing the Western Reserve Heritage Area in these counties in Ohio.

(2) CONTENTS.—The study shall include analysis and documentation regarding whether the Study Area—

(A) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(G) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity;

(H) has a conceptual boundary map that is supported by the public; and

(I) has potential or actual impact on private property located within or abutting the Study Area.

(c) BOUNDARIES OF THE STUDY AREA.—The Study Area shall be comprised of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio.

Subtitle B—St. Croix National Heritage Area Study

SEC. 311. SHORT TITLE.

This subtitle may be cited as the ''St. Croix National Heritage Area Study Act''.

SEC. 312. STUDY.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the island of St. Croix as the St. Croix National Heritage Area. The study shall include analysis, documentation, and determination regarding whether the island of St. Croix—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the island of St. Croix that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government), and have demonstrated support for the concept of a national heritage area;

(7) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

(b) REPORT.—Not later than 3 fiscal years after the date on which funds are first made available for this section, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

(c) PRIVATE PROPERTY.—In conducting the study required by this section, the Secretary of the Interior shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

Subtitle C—Southern Campaign of the Revolution

SEC. 321. SHORT TITLE.

This subtitle may be cited as the ''Southern Campaign of the Revolution Heritage Area Study Act''.

SEC. 322. SOUTHERN CAMPAIGN OF THE REVOLUTION HERITAGE AREA STUDY.

(a) STUDY.—The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, the South Carolina Department of Parks, Recreation, and Tourism, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the study area described in subsection (b) as the Southern Campaign of the Revolution Heritage Area. The study shall include analysis, documentation, and determination regarding whether the study area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the study area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government), and have demonstrated support for the concept of a national heritage area;

(7) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

(b) STUDY AREA.—

(1) IN GENERAL.—

(A) SOUTH CAROLINA.—The study area shall include the following counties in South Carolina: Anderson, Pickens, Greenville County, Spartanburg, Cherokee County, Greenwood, Laurens, Union, York, Chester, Darlington, Florence, Chesterfield, Marlboro, Fairfield, Richland, Lancaster, Kershaw, Sumter, Orangeburg, Georgetown, Dorchester, Colleton, Charleston, Beaufort, Calhoun, Clarendon, and Williamsburg.

(B) NORTH CAROLINA.—The study area may include sites and locations in North Carolina as appropriate.

(2) SPECIFIC SITES.—The heritage area may include the following sites of interest:

(A) NATIONAL PARK SERVICE SITE.—Kings Mountain National Military Park, Cowpens National Battlefield, Fort Moultrie National Monument, Charles Pickney National Historic Site, and Ninety Six National Historic Site as well as the National Park Affiliate of Historic Camden Revolutionary War Site.

(B) STATE-MAINTAINED SITES.—Colonial Dorchester State Historic Site, Eutaw Springs Battle Site, Hampton Plantation State Historic Site, Landsford Canal State Historic Site, Andrew Jackson State Park, and Musgrove Mill State Park.

(C) COMMUNITIES.—Charleston, Beaufort, Georgetown, Kingstree, Cheraw, Camden, Winnsboro, Orangeburg, and Cayce.

(D) OTHER KEY SITES OPEN TO THE PUBLIC.—Middleton Place, Goose Creek Church, Hopsewee Plantation, Walnut Grove Plantation, Fort Watson, and Historic Brattonsville.

(c) REPORT.—Not later than 3 fiscal years after the date on which funds are first made available to carry out this subtitle, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

SEC. 323. PRIVATE PROPERTY.

In conducting the study required by this subtitle, the Secretary of the Interior shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

TITLE IV—ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR ACT AMENDMENTS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Illinois and Michigan Canal National Heritage Corridor Act Amendments of 2006''.

SEC. 402. TRANSITION AND PROVISIONS FOR NEW LOCAL COORDINATING ENTITY.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 (Public Law 98–398; 16 U.S.C. 461 note) is amended as follows:

(1) In section 103—

(A) in paragraph (8), by striking ''and'';

(B) in paragraph (9), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(10) the term 'Association' means the Canal Corridor Association (an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code).''.

(2) By adding at the end of section 112 the following new paragraph:

''(7) The Secretary shall enter into a memorandum of understanding with the Association to help ensure appropriate transition of the local coordinating entity to the Association and coordination with the Association regarding that role.''.

(3) By adding at the end the following new sections:

''SEC. 119. ASSOCIATION AS LOCAL COORDINATING ENTITY.

''Upon the termination of the Commission, the local coordinating entity for the corridor shall be the Association.

''SEC. 120. DUTIES AND AUTHORITIES OF ASSOCIATION.

''For purposes of preparing and implementing the management plan developed under section 121, the Association may use Federal funds made available under this title—

''(1) to make loans and grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person;

''(2) to hire, train, and compensate staff; and

''(3) to enter into contracts for goods and services.

''SEC. 121. DUTIES OF THE ASSOCIATION.

''The Association shall—

''(1) develop and submit to the Secretary for approval under section 123 a proposed management plan for the corridor not later than 2 years after Federal funds are made available for this purpose;

''(2) give priority to implementing actions set forth in the management plan, including taking steps to assist units of local government, regional planning organizations, and other organizations—

''(A) in preserving the corridor;

''(B) in establishing and maintaining interpretive exhibits in the corridor;

''(C) in developing recreational resources in the corridor;

''(D) in increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the corridor; and

''(E) in facilitating the restoration of any historic building relating to the themes of the corridor;

''(3) encourage by appropriate means economic viability in the corridor consistent with the goals of the management plan;

''(4) consider the interests of diverse governmental, business, and other groups within the corridor;

''(5) conduct public meetings at least quarterly regarding the implementation of the management plan;

''(6) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary; and

''(7) for any year in which Federal funds have been received under this title—

''(A) submit an annual report to the Secretary setting forth the Association's accomplishments, expenses and income, and the identity of each entity to which any loans and grants were made during the year for which the report is made;

''(B) make available for audit all records pertaining to the expenditure of such funds and any matching funds; and

''(C) require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

''SEC. 122. USE OF FEDERAL FUNDS.

''(a) IN GENERAL.—The Association shall not use Federal funds received under this title to acquire real property or an interest in real property.

''(b) OTHER SOURCES.—Nothing in this title precludes the Association from using Federal funds from other sources for authorized purposes.

''SEC. 123. MANAGEMENT PLAN.

''(a) PREPARATION OF MANAGEMENT PLAN.—Not later than 2 years after the date that Federal funds are made available for this purpose, the Association shall submit to the Secretary for approval a proposed management plan that shall—

''(1) take into consideration State and local plans and involve residents, local governments and public agencies, and private organizations in the corridor;

''(2) present comprehensive recommendations for the corridor's conservation, funding, management, and development;

''(3) include actions proposed to be undertaken by units of government and nongovernmental and private organizations to protect the resources of the corridor;

''(4) specify the existing and potential sources of funding to protect, manage, and develop the corridor; and

''(5) include—

''(A) identification of the geographic boundaries of the corridor;

''(B) a brief description and map of the corridor's overall concept or vision that show key sites, visitor facilities and attractions, and physical linkages;

''(C) identification of overall goals and the strategies and tasks intended to reach them, and a realistic schedule for completing the tasks;

''(D) a listing of the key resources and themes of the corridor;

''(E) identification of parties proposed to be responsible for carrying out the tasks;

''(F) a financial plan and other information on costs and sources of funds;

''(G) a description of the public participation process used in developing the plan and a proposal for public participation in the implementation of the management plan;

''(H) a mechanism and schedule for updating the plan based on actual progress;

''(I) a bibliography of documents used to develop the management plan; and

''(J) a discussion of any other relevant issues relating to the management plan.

''(b) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary within 2 years after the date that Federal funds are made available for this purpose, the Association shall be ineligible to receive additional funds under this title until the Secretary receives a proposed management plan from the Association.

''(c) APPROVAL OF MANAGEMENT PLAN.—The Secretary shall approve or disapprove a proposed management plan submitted under this title not later than 180 days after receiving such proposed management plan. If action is not taken by the Secretary within the time period specified in the preceding sentence, the management plan shall be deemed approved. The Secretary shall consult with the local entities representing the diverse interests of the corridor including governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners prior to approving the management plan. The Association shall conduct semi-annual public meetings, workshops, and hearings to provide adequate opportunity for the public and local and governmental entities to review and to aid in the preparation and implementation of the management plan.

''(d) EFFECT OF APPROVAL.—Upon the approval of the management plan as provided in subsection (c), the management plan shall supersede the conceptual plan contained in the National Park Service report.

''(e) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed management plan within the time period specified in subsection (c), the Secretary shall advise the Association in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan.

''(f) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve all substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan. Funds made available under this title may not be expended to implement any changes made by a substantial amendment until the Secretary approves that substantial amendment.

''SEC. 124. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

''(a) TECHNICAL AND FINANCIAL ASSISTANCE.—Upon the request of the Association, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Association to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the Association and other public or private entities for this purpose. In assisting the Association, the Secretary shall give priority to actions that in general assist in—

''(1) conserving the significant natural, historic, cultural, and scenic resources of the corridor; and

''(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the corridor.

''(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting activities directly affecting the corridor shall—

''(1) consult with the Secretary and the Association with respect to such activities;

''(2) cooperate with the Secretary and the Association in carrying out their duties under this title;

''(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

''(4) to the maximum extent practicable, conduct or support such activities in a manner which the Association determines is not likely to have an adverse effect on the corridor.

''SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—To carry out this title there is authorized to be appropriated $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this title for any fiscal year.

''(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent of that cost.

''SEC. 126. SUNSET.

''The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this section.''.

SEC. 403. PRIVATE PROPERTY PROTECTION.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 is further amended by adding after section 126 (as added by section 402) the following new sections:

''SEC. 127. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

''(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the corridor until the owner of that private property has been notified in writing by the Association and has given written consent for such preservation, conservation, or promotion to the Association.

''(b) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the corridor, and not notified under subsection (a), shall have their property immediately removed from the boundary of the corridor by submitting a written request to the Association.

''SEC. 128. PRIVATE PROPERTY PROTECTION.

''(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

''(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

''(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

''(b) LIABILITY.—Designation of the corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

''(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

''(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN CORRIDOR.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the corridor to participate in or be associated with the corridor.

''(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the corridor represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the corridor and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the corridor or its viewshed by the Secretary, the National Park Service, or the Association.''.

SEC. 404. TECHNICAL AMENDMENTS.

Section 116 of Illinois and Michigan Canal National Heritage Corridor Act of 1984 is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) by striking ''(a)'' and all that follows through ''For each'' and inserting ''(a) For each'';

(B) by striking ''Commission'' and inserting ''Association'';

(C) by striking ''Commission's'' and inserting ''Association's'';

(D) by redesignating paragraph (2) as subsection (b); and

(E) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

TITLE V—MOKELUMNE RIVER FEASIBILITY STUDY

SEC. 501. AUTHORIZATION OF MOKELUMNE RIVER REGIONAL WATER STORAGE AND CONJUNCTIVE USE PROJECT STUDY.

Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, not later than 2 years after the date of the enactment of this Act, the Secretary of the Interior (hereafter in this title referred to as the ''Secretary''), through the Bureau of Reclamation, and in consultation and cooperation with the Mokelumne River Water and Power Authority, shall complete and submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate copies of a study to determine the feasibility of constructing a project to provide additional water supply and improve water management reliability through the development of new water storage and conjunctive use programs.

SEC. 502. USE OF REPORTS AND OTHER INFORMATION.

In developing the study under section 501, the Secretary shall use, as appropriate, reports and any other relevant information supplied by the Mokelumne River Water and Power Authority, the East Bay Municipal Utility District, and other Mokelumne River Forum stakeholders.

SEC. 503. COST SHARES.

(a) FEDERAL SHARE.—The Federal share of the costs of the study conducted under this title shall not exceed 50 percent of the total cost of the study.

(b) IN-KIND CONTRIBUTIONS.—The Secretary shall accept, as appropriate, such in-kind contributions of goods or services from the Mokelumne River Water and Power Authority as the Secretary determines will contribute to the conduct and completion of the study conducted under this title. Goods and services accepted under this section shall be counted as part of the non-Federal cost share for that study.

SEC. 504. WATER RIGHTS.

Nothing in this title shall be construed to invalidate, preempt, or create any exception to State water law, State water rights, or Federal or State permitted activities or agreements.

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary $3,300,000 for the Federal cost share of the study conducted under this title.

TITLE VI—DELAWARE NATIONAL COASTAL SPECIAL RESOURCES STUDY

SEC. 601. SHORT TITLE.

This title may be cited as the ''Delaware National Coastal Special Resources Study Act''.

SEC. 602. STUDY.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this title as the ''Secretary'') shall conduct a special resources study of the national significance, suitability, and feasibility of including sites in the coastal region of the State of Delaware in the National Park System.

(b) INCLUSION OF SITES IN THE NATIONAL PARK SYSTEM.—The study under subsection (a) shall include an analysis and any recommendations of the Secretary concerning the suitability and feasibility of designating 1 or more of the sites along the Delaware coast, including Fort Christina, as a unit of the National Park System that relates to the themes described in section 603.

(c) STUDY GUIDELINES.—In conducting the study authorized under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(d) CONSULTATION.—In preparing and conducting the study under subsection (a), the Secretary shall consult with—

(1) the State of Delaware;

(2) the coastal region communities;

(3) owners of private property that would likely be impacted by a National Park Service designation; and

(4) the general public.

SEC. 603. THEMES.

The study authorized under section 602 shall evaluate sites along the coastal region of the State of Delaware that relate to—

(1) the history of indigenous peoples, which would explore the history of Native American tribes of Delaware, such as the Nanticoke and Lenni Lenape;

(2) the colonization and establishment of the frontier, which would chronicle the first European settlers in the Delaware Valley who built fortifications for the protection of settlers, such as Fort Christina;

(3) the founding of a nation, which would document the contributions of Delaware to the development of our constitutional republic;

(4) industrial development, which would investigate the exploitation of water power in Delaware with the mill development on the Brandywine River;

(5) transportation, which would explore how water served as the main transportation link, connecting Colonial Delaware with England, Europe, and other colonies;

(6) coastal defense, which would document the collection of fortifications spaced along the river and bay from Fort Delaware on Pea Patch Island to Fort Miles near Lewes;

(7) the last stop to freedom, which would detail the role Delaware has played in the history of the Underground Railroad network; and

(8) the coastal environment, which would examine natural resources of Delaware that provide resource-based recreational opportunities such as crabbing, fishing, swimming, and boating.

SEC. 604. REPORT.

Not later than 2 years after funds are made available to carry out this title under section 605, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study conducted under section 602.

TITLE VII—JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR REAUTHORIZATION

SEC. 701. SHORT TITLE.

This title may be cited as the ''John H. Chafee Blackstone River Valley National Heritage Corridor Reauthorization Act of 2006''.

SEC. 702. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

(a) COMMISSION MEMBERSHIP.—Section 3(b) of Public Law 99–647 (16 U.S.C. 461 note) is amended—

(1) by striking ''nineteen members'' and inserting ''25 members'';

(2) in paragraph (2)—

(A) by striking ''six'' and inserting ''6''; and

(B) by striking ''Department of Environmental Management Directors from Rhode Island and Massachusetts'' and inserting ''the Director of the Rhode Island Department of Environmental Management and the Secretary of the Massachusetts Executive Office of Environmental Affairs'';

(3) in paragraph (3)—

(A) by striking ''four'' each place it appears and inserting ''5''; and

(B) by striking ''and'' after the semicolon;

(4) in paragraph (4)—

(A) by striking ''two'' each place it appears and inserting ''3''; and

(B) by striking the period and inserting ''; and''; and

(5) by inserting after paragraph (4) the following:

''(5) 1 representative of a nongovernmental organization from Massachusetts and 1 from Rhode Island, to be appointed by the Secretary, which have expertise in historic preservation, conservation, outdoor recreation, cultural conservation, traditional arts, community development, or tourism.''.

(b) QUORUM.—Section 3(f)(1) of Public Law 99–647 (16 U.S.C. 461 note) is amended by striking ''Ten'' and inserting ''13''.

(c) UPDATE OF PLAN.—Section 6 of Public Law 99–647 (16 U.S.C. 461 note) is amended by adding at the end the following:

''(e) UPDATE OF PLAN.—(1) Not later than 2 years after the date of enactment of this subsection, the Commission shall update the plan under subsection (a).

''(2) In updating the plan under paragraph (1), the Commission shall take into account the findings and recommendations included in the Blackstone Sustainability Study conducted by the National Park Service Conservation Study Institute.''

''(3) The update shall include—

''(A) performance goals; and

''(B) an analysis of—

''(i) options for preserving, enhancing, and interpreting the resources of the Corridor;

''(ii) the partnerships that sustain those resources; and

''(iii) the funding program for the Corridor.

''(4)(A) Except as provided in subparagraph (B), the Secretary shall approve or disapprove any changes to the plan proposed in the update in accordance with subsection (b).

''(B) Minor revisions to the plan shall not be subject to the approval of the Secretary.''.

(d) EXTENSION OF COMMISSION.—Public Law 99–647 (16 U.S.C. 461 note) is amended by striking section 7 and inserting the following:

''SEC. 7. TERMINATION OF COMMISSION.

''The Commission shall terminate on the date that is 5 years after the date of enactment of the John H. Chafee Blackstone River Valley National Heritage Corridor Reauthorization Act of 2006.''.

(e) SPECIAL RESOURCE STUDY.—Section 8 of Public Law 99–647 (16 U.S.C. 461 note) is amended by adding at the end the following:

''(d) SPECIAL RESOURCE STUDY.—

''(1) IN GENERAL.—The Secretary shall conduct a special resource study of sites and associated landscape features within the boundaries of the Corridor that contribute to the understanding of the Corridor as the birthplace of the industrial revolution in the United States.

''(2) EVALUATION.—Not later than 3 years after the date on which funds are made available to carry out this subsection, the Secretary shall complete the study under paragraph (1) to evaluate the possibility of—

''(A) designating 1 or more site or landscape feature as a unit of the National Park System; and

''(B) coordinating and complementing actions by the Commission, local governments, and State and Federal agencies, in the preservation and interpretation of significant resources within the Corridor.

''(3) COORDINATION.—The Secretary shall coordinate the Study with the Commission.

''(4) REPORT.—Not later than 30 days after the date on which the study under paragraph (1) is completed, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

''(A) the findings of the study; and

''(B) the conclusions and recommendations of the Secretary.''.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of Public Law 99–647 (16 U.S.C. 461 note) is amended—

(1) in subsection (a), by striking ''$650,000'' and inserting ''$1,000,000''; and

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

''(b) DEVELOPMENT FUNDS.—There is authorized to be appropriated to carry out section 8(c) not more than $10,000,000 for the period of fiscal years 2006 through 2016, to remain available until expended.

''(c) SPECIAL RESOURCE STUDY.—There are authorized to be appropriated such sums as are necessary to carry out section 8(d).''.

TITLE VIII—CALIFORNIA RECLAMATION GROUNDWATER REMEDIATION INITIATIVE

SEC. 801. SHORT TITLE.

This title may be cited as the ''California Reclamation Groundwater Remediation Initiative''.

SEC. 802. DEFINITIONS.

For the purposes of this title:

(1) GROUNDWATER REMEDIATION.—The term ''groundwater remediation'' means actions that are necessary to prevent, minimize, or mitigate damage to groundwater.

(2) LOCAL WATER AUTHORITY.—The term ''local water authority'' means the Santa Clara Valley Water District or a public water district, public water utility, public water planning agency, municipality, or Indian tribe located within the Santa Clara Valley; and a public water district, public water utility, public water planning agency, municipality, or Indian tribe located within the natural watershed of the Santa Ana river in the State of California.

(3) REMEDIATION FUND.—The term ''Remediation Fund'' means the California Basins Groundwater Remediation Fund established pursuant to section 803(a).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 803. CALIFORNIA BASINS REMEDIATION.

(a) CALIFORNIA BASINS REMEDIATION.—

(1) ESTABLISHMENT OF REMEDIATION FUND.—There shall be established within the Treasury of the United States an interest bearing account to be known as the California Basins Groundwater Remediation Fund.

(2) ADMINISTRATION OF REMEDIATION FUND.—The Remediation Fund shall be administered by the Secretary of the Interior, acting through the Bureau of Reclamation. The Secretary shall administer the Remediation Fund in cooperation with the local water authority.

(3) PURPOSES OF REMEDIATION FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), the amounts in the Remediation Fund, including interest accrued, shall be used by the Secretary to provide grants to the local water authority to reimburse the local water authority for the Federal share of the costs associated with designing and constructing groundwater remediation projects to be administered by the local water authority.

(B) COST-SHARING LIMITATION.—

(i) IN GENERAL.—The Secretary may not obligate any funds appropriated to the Remediation Fund in a fiscal year until the Secretary has deposited into the Remediation Fund an amount provided by non-Federal interests sufficient to ensure that at least 35 percent of any funds obligated by the Secretary for a project are from funds provided to the Secretary for that project by the non-Federal interests.

(ii) NON-FEDERAL RESPONSIBILITY.—Each local water authority shall be responsible for providing the non-Federal amount required by clause (i) for projects under that local water authority. The State of California, local government agencies, and private entities may provide all or any portion of the non-Federal amount.

(iii) CREDITS TOWARD NON-FEDERAL SHARE.—For purposes of clause (ii), the Secretary shall credit the appropriate local water authority with the value of all prior expenditures by non-Federal interests made after January 1, 2000, that are compatible with the purposes of this section, including—

(I) all expenditures made by non-Federal interests to design and construct groundwater remediation projects, including expenditures associated with environmental analyses and public involvement activities that were required to implement the groundwater remediation projects in compliance with applicable Federal and State laws; and

(II) all expenditures made by non-Federal interests to acquire lands, easements, rights-of-way, relocations, disposal areas, and water rights that were required to implement a groundwater remediation project.

(b) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in this section, the Secretary shall comply with any applicable Federal and State laws.

(c) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing in this section shall be construed to affect other Federal or State authorities that are being used or may be used to facilitate remediation and protection of any groundwater subbasin eligible for funding pursuant to this title. In carrying out the activities described in this section, the Secretary shall integrate such activities with ongoing Federal and State projects and activities. None of the funds made available for such activities pursuant to this section shall be counted against any Federal authorization ceiling established for any previously authorized Federal projects or activities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Remediation Fund $25,000,000. Subject to the limitations in section 804, such funds shall remain available until expended.

SEC. 804. SUNSET OF AUTHORITY.

This title—

(1) shall take effect on the date of the enactment of this Act; and

(2) is repealed effective as of the date that is 10 years after the date of the enactment of this Act.

TITLE IX—NATIONAL COAL HERITAGE AREA

SEC. 901. NATIONAL COAL HERITAGE AREA AMENDMENTS.

Title I of Division II of the Omnibus Parks and Public Lands Management Act of 1996 is amended as follows:

(1) In section 103(b)—

(A) by striking ''comprised of the counties'' and inserting ''shall be comprised of the following:

''(1) The counties; and''.

(B) by inserting after paragraph (1) (as so designated by paragraph (1) of this subsection) the following new paragraphs:

''(2) Lincoln County, West Virginia.

''(3) Paint Creek and Cabin Creek within Kanawha County, West Virginia.''.

(2) In section 104, by striking ''Governor'' and all that follows through ''organizations'' and inserting ''National Coal Heritage Area Authority, a public corporation and government instrumentality established by the State of West Virginia, pursuant to which the Secretary shall assist the National Coal Heritage Area Authority''.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate concur in the House amendment and the motion to reconsider be laid upon the table.

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

Mrs. HUTCHISON. Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

S. 3661

Mr. CORNYN. Mr. President, I thank the Senator from Vermont for being here so we can discuss briefly a bill that has just by unanimous consent been passed.

The reason we are here is to help clarify some concerns which I know he has with the legislation. I appreciate his willingness to work with Senator HUTCHISON and myself in expediting this passage.

This bill will ultimately repeal the Wright amendment, a law designed to reflect the compromise with respects to flights coming into and out of Love Field in Dallas, TX and, therefore, operating just a few miles down the road from Dallas-Ft. Worth Airport but which has proved a hindrance to competition among airlines; and has resulted in increased fares to those who travel through DFW Airport.

The legislation before us recognizes that the city of Dallas is the entity responsible for operating Love Field, and will reduce the gates there to 20 and will allocate those gates with existing commitments and obligations, including commitments to accommodate potential new entrants.

I point out that doing so will allow the city of Dallas to maintain an appropriate number of gates to address the critically important considerations of local noise, air pollution, congestion, and safety.

I yield to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I appreciate what the Senator from Texas has said. I appreciate the colloquy and the days we spent trying to work through this issue. He and I talked about this before the break in August. I knew working with him we would work out a solution. I believe we have. It is a complicated solution for competition law and obviously important for Texas.

The Senate Judiciary Committee is responsible for ensuring competition—and thereby protecting consumers—through enactment and enforcement of antitrust laws. I support repeal of the Wright amendment, but the bill originally introduced by Senator HUTCHISON went well beyond a simple repeal. It would have explicitly insulated from competition review private agreements among competitors. Such insulation is inappropriate and unprecedented, and it is bad for consumers.

I am sensitive to the hard work that the cities of Dallas and Fort Worth, and the airport authority there, have put in to craft a solution to the complicated web of problems created by the Wright amendment. It is more than unfortunate that Congress permitted such a clearly anticompetitive situation to exist in the first place, and it is certainly our obligation to try to rectify that problem. Doing so in a way that creates a new set of anticompetitive issues—and the resulting harm to consumers—would only be to repeat the errors of the past.

I appreciate the changes we have been able to agree to, stripping the explicit antitrust exemption from the bill, and speaking only to the obligations of the city of Dallas, rather than blessing the agreement among the cities, the airport authority, and two airlines. I am still concerned, however, because while Congress is no longer explicitly deeming the contract in compliance with competition laws, an implicit protection from those important guardians of consumer welfare may remain.

The parties to the contract, both public and private, all assure me that the contract is not anticompetitive, and that the statute should not be read to create an exemption. I would prefer to be more precise in the statutory language, but I trust that they are correct. Senator CORNYN and I share a concern about providing antitrust immunity to agreements involving private parties. While I would prefer greater clarity on this point in the bill, I am pleased that Senator CORNYN and I agree that this is an entirely unique situation, which should not be repeated. I understand that in the view of the Senators from Texas, this unique situation requires a unique, if inelegant solution. I disagree and would have preferred a solution that more clearly preserves the antitrust laws. I have worked hard both with the affected parties and Senator CORNYN, to craft such a solution.

The similar respect Senator CORNYN and I have for preserving competition laws has made our conversations productive and moved the legislative process forward. While my concerns remain about this legislation, I am prepared to accept it. We have come a long way from where this process started with an explicit antitrust exemption.

I expect that in the future, legislation that may have anticompetitive effects will be referred to, and vetted by, the Senate Judiciary Committee so that concerns over competition can be handled in regular order and addressed early.

Mr. CORNYN. I know the Senior Senator from Vermont has genuine concerns about the legislation. And while I do not take a position about the creation of an antitrust exemption, implicit or otherwise, share his view that this is a unique situation. I join him in saying that the solution is not perfect. We do not agree on many issues, but on some important ones—including intellectual property legislation—we share a commitment to promoting free market principles—and the goal of any arrangement such as this should be to maximize those principles.

The legislation contemplated here should not be a model for any future arrangement. In no way can I imagine a situation arising with a set of facts remotely similar to that created in Dallas by the passage of the Wright amendment. It is entirely unique and is precisely the reason for this legislation—legislation that moves the ball forward considerably with respect to increasing competition in the Dallas-Fort Worth area.

In addition, the proposed legislation reflects a Congressional sanction for the city of Dallas to manage Love Field in a manner that it deems in the best interests of its citizens, and in accordance with a hard fought local compromise, a sanction made necessary only by the existence of the Wright amendment itself. By doing so, while not perfect by any means, I am hopeful that we will afford literally millions of citizens in north Texas and elsewhere the enormous benefits of enhanced airline competition that they have long been denied because of the Wright amendment.

Mrs. HUTCHISON. Mr. President, I would like to talk a little bit about S. 3661 because I am the sponsor of the legislation and have worked for 12 years to try to explain the Wright amendment to every interested party in Congress. It is so important to North Texas, to DFW Airport, and Love Field that we have an agreement, a plan to move forward beyond the Wright amendment in a way that is going to increase competition immeasurably.

Most people do not realize the history of the Wright amendment. When DFW Airport was forced on the cities of Dallas and Ft. Worth by a Federal mandate, the cities made agreements with airlines that DFW Airport would be the only functioning major airport in the region. It was to be the international airport, and Love Field was to be closed. After litigation, Love Field was allowed to be an intrastate airport. The Wright amendment later opened Love Field to serve the contiguous States, but that became untenable as aviation traffic continued to grow. The Wright amendment was very confining and was not the best competitive situation.

There have been many attempts to expand the Wright amendment. There have also been attempts to repeal the Wright amendment. Many in Congress asked the mayors of the two cities to come up with a local solution, rather than have Congress once again pass legislation that may or may not take into consideration the interests of the people who live and work and pay taxes in the Dallas-Ft. Worth area. The mayors did just that.

Mayor Laura Miller and Mayor Mike Moncrief, the mayors of Dallas and Ft. Worth, did an incredible job. They came together and made an agreement. Cities can make agreements. Under State law, cities can make agreements and there is never an antitrust issue when cities make agreements.

The antitrust issue was raised because two airlines became part of the agreement. The cities brought them in because lease agreements that were in place with those air carriers were going to have to be compromised, they were going to have to be changed and broken.

Instead of pursuing condemnation, the parties were brought together to

get a consensus of their willingness to give up some rights in order to settle this once and for all and open competition both at Love Field and at DFW Airport.

The cities did a great job. They made an agreement and they brought it to Congress. I have felt since the beginning, it was Congress's responsibility to take that agreement, ratify it and mandate that the agreement be kept in its entirety because it is so balanced. And if you did away with the Wright amendment, but you did not have the 20 gate limit and the implementation of the 20 gates, it could have gone out of balance.

So this act, regardless of anything else that has been said, authorizes, mandates, and protects all aspects of performance of the legislation's terms, including that the city of Dallas reduce and allocate gates according to this act, its contractual obligations as contemplated by the act, and the local compromise and the balance it has achieved.

This legislation will allow the DFW Metroplex to end decades of bitterness and infighting that have plagued the Wright amendment. It provides a solution that all parties affected have agreed to. And just about every party to this agreement has given something up for the good of the North Texas economy and the traveling public.

We can now move forward to allow immediate benefits to consumers and the traveling public because airline prices are going to go down when this bill is passed. Actually, the bill has already passed. I am very pleased to say it has passed the Senate. It is going to the House now. And you will see, when the bill becomes law, that the prices of tickets from Dallas Love Field are going to go down to every destination. That is going to increase competition and interest in flying, which is going to be good for everyone.

Mr. President, I have a letter that was sent to four of the ranking members and committee chairs on September 28, 2006. It is addressed to Senator SPECTER, Senator LEAHY, Congressman SENSENBRENNER, and Congressman CONYERS. And it is from the mayor of Dallas and the mayor of Fort Worth. I ask unanimous consent it be printed in the RECORD. It tells the history of the Wright amendment and how competition will be increased.

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

SEPTEMBER 28, 2006.

Re Repeal of the Wright Amendment—S. 3661; H.R. 5830.

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

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

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

Hon. JOHN CONYERS, Jr.,
Ranking Member, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR SENATORS AND REPRESENTATIVES: We are writing in response to letters from various detractors of the proposed legislation to repeal the Wright Amendment. As the duly-elected mayors and their city attorneys, and on behalf of the citizens of Dallas and Fort Worth, we offer the following observations for your consideration.

1. The suggestion by critics that the proposed legislation is somehow anticompetitive and would lead to higher fares and reduced service for consumers in the Dallas-Fort Worth area is patently incorrect. Not surprisingly, these suggestions are unaccompanied by any factual foundation or economic analysis. On the contrary, the proposed Agreement would enhance airline competition in the Dallas-Fort Worth area and benefit consumers and airlines seeking to provide service to the area. As we describe more fully below, independent studies confirm that, in the short term, passage of the proposed legislation would (1) increase the number of passengers traveling to and from North Texas by two million annually, (2) result in fare savings of approximately $260 million per year, and (3) produce overall economic benefits of $2.4 billion annually.

2. The detractors of the proposed legislation wholly fail to address the critically important considerations of aircraft noise, air quality, traffic congestion in the airport vicinity, and economic activity in the region. With few exceptions, airport operations reflect tradeoffs between economic and environmental considerations. The proposed legislation concerning Love Field is no different. The legislation reflects a carefully crafted balance of these considerations by the local governments principally responsible for managing these issues. Unlike the observations offered by certain critics, the compromise reflected in the proposed legislation is not confined to the issues of airline competition only, but rather reflects an accommodation of a full range of economic and environmental considerations that are important to Dallas and Fort Worth.

I. THE WRIGHT AMENDMENT COMPROMISE WAS FORGED BY LOCAL GOVERNMENT LEADERS AT THE URGING OF CONGRESS

As an initial matter, it bears emphasis that a number of Congressional leaders have long urged the cities of Dallas and Fort Worth to work towards a local compromise to resolve the longstanding controversies over the 1979 Wright Amendment and its restrictions on commercial air service to and from Dallas Love Field. Prompted by that Congressional call for action, the mayors of Dallas and Forth Worth spearheaded efforts to forge a compromise among local government leaders and representatives of the Dallas-Fort Worth International Airport Board (''DFW Board'').

The mayors and representatives of the DFW Board first reached consensus among themselves on the propriety of a local solution for repeal of the Wright Amendment. Thereafter, the mayors and DFW Board persuaded Southwest Airlines and American Airlines (as the principal tenants of the main terminal at Love Field that would be called on to give up property rights at Love Field) of the virtues of a local solution, and that the solution the mayors and DFW Board proposed likely would be favorably received by Congress. As a consequence, Southwest and American each decided to support the Wright Amendment compromise forged by Dallas, Fort Worth, and the DFW Board.

II. THE WRIGHT AMENDMENT COMPROMISE IS GOOD FOR AIRLINE COMPETITION AND FOR CONSUMERS

After considerable study and examination, it is the view of Dallas and Fort Worth that the Wright Amendment compromise reflected in S. 3661 and H.R. 5830 would open the North Texas market to considerably more competition in air transportation.

To begin with, congressional approval of the Wright Amendment compromise would enable Southwest and other airlines serving Love Field immediately to begin selling ''through tickets'' for travel to and from Love Field. This would allow Love Field customers to travel on a one-stop basis to and from cities nationwide. By contrast, under the terms of the Wright and Shelby Amendments, airlines flying out of Love Field are limited to a handful of nearby states.

Detractors maintain that the proposed legislation could be anticompetitive, perhaps resulting in higher fares on many routes. This is conjecture unsubstantiated by any facts. Quite to the contrary, the Agreement, if implemented, would result in a reduction in fares and hundreds of millions of dollars in cost savings for consumers.

Two highly respected economic consulting firms, the Campbell-Hill Aviation Group and SH&E International Air Transport Consultancy, recently performed an economic analysis of the Wright Amendment compromise. Their joint findings show that ''through ticketing'' at Love Field would increase the number of passengers traveling to and from North Texas by two million, produce $259 million in fare savings, and generate $2.4 billion in overall economic benefits—all on an annual basis.

Equally unsupported are the arguments regarding the proposed reduction of gates at Love Field. However, these critics fail to acknowledge that the proposed reduction of gates at Love Field from 32 to 20 would still leave more gates in service than the 19 or fewer gates that airlines have utilized since the inception of the Wright Amendment.

More fundamentally, besides ignoring the economic analysis of the Wright Amendment Compromise set forth in the Campbell-Hill and SH&E study, these commentators also fail to acknowledge a study commissioned by the City of Dallas, which was prepared by DMJM Aviation and released on May 31, 2006. The DMJM Aviation study found that if the Wright Amendment is repealed, the optimal number of gates at Love Field would be 20 in order to prevent excessive noise, emissions, and traffic congestion in the local community. Repeal of the Wright Amendment, which limits long-haul service to aircraft of 56 seats or less, would result in more large aircraft carrying more passengers to and from Love Field. Thus, the study concluded a 20-gate limit without the Wright Amendment would be equivalent in noise, pollution, and congestion to the 32 gates now found at Love Field (again, only 19 of which are currently utilized).

Just as the prognostication of an increase in airfares is incorrect, so, too, is the speculation that the proposed elimination of twelve gates at Love Field would bar potential competitors from gaining access to the market. In truth, carriers would not be prevented from obtaining access to Love Field in the future. As set forth in the July 31, 2001

Airline Competition Plan submitted by the City of Dallas for Love Field, ''the operational main terminal gates at Love Field are all subject to scarce resource provisions that, when invoked, render those gates preferential use gates.'' Thus, the ''scarce resource'' provision allows the City of Dallas to require incumbent airlines to share gates that are not fully used at Love Field. This provision is essentially the same as the procedures used at most other major U.S. airports to accommodate new entrant carriers.

The process for accommodating an airline seeking space involves three stages, as outlined in the Love Field Airline Competition Plan. First, if the City of Dallas has space available to lease directly, it would do so. Second, in the absence of space available for direct lease, the City of Dallas would refer the requesting airline to parties who are known to have gates or gate capacity available. Finally, if neither of these approaches proves fruitful, the ''scarce resource'' provisions of the lease permit the City of Dallas to unilaterally require an incumbent airline to accommodate a requesting airline in its premises. Thus, the assertion that accommodation of new entrants resides solely within the good graces of the incumbent airlines is false.

In fact, the City of Dallas regularly offers its support to requesting carriers to assist in the negotiation of reasonable sublease terms. Significantly, there have been no cases in which an air carrier that was ready and willing to begin or expand service to Love Field has been unable to do so due to inability to secure reasonable access to needed facilities.

Moreover, as previously recognized in an unsuccessful antitrust case brought by the Department of Justice against American, ''there are no structural barriers to entry at DFW, which can accommodate any domestic carrier that seeks to establish or expand service.'' *United States* v. *AMR Corp.*, 140 F. Supp. 2d 1141, 1210 (D. Kan. 2001), aff'd, 335 F. 3d 1109 (10th Cir. 2003). DFW has 15 gates that are currently available to be leased, and many other gates that are underutilized. In fact, DFW has one of the most aggressive Air Service Incentive Programs in the country. A carrier that is willing to offer new domestic air service to one of DFW's top 50 domestic markets is eligible to receive up to six months free landing fees, up to $100,000 in marketing support, and an additional $50,000 in marketing support if the carrier is new to DFW. See also *United States* v. *AMR Corp.*, 140 F. Supp. 2d at 1210.

In sum, there is ready access to both Love Field and DFW, and the proposed Wright Amendment compromise would ensure continued access to the marketplace by carriers seeking to provide service. Contrary to the suggestions of others, the economic analyses conducted to date demonstrate that the proposed legislation would foster competition among carriers, enable consumers to save hundreds of millions of dollars in air fares each year, and provide a carefully-constructed and sensible solution to a decades-old problem.

In essence, these critics apparently contend that Congress should simply repeal the Wright Amendment, while ignoring the other important issues resolved by the proposed legislation. That suggestion ignores the genesis and history of this local compromise, the practical reasons for its detailed terms, and the substantial tangible benefits this legislation would provide not only for the people of Dallas-Fort Worth, but for air travelers nationwide. The proposed legislation is the result of a local government initiative to forge a solution to a series of pressing and inter-related regional transportation issues. The cities of Dallas and Fort Worth spearheaded this effort not only to repeal the Wright Amendment and thereby improve air competition, but simultaneously to improve the regional transportation infrastructure serving Dallas and Fort Worth, to stimulate to the greatest extent possible regional economic growth, and to address community concerns about the noise, traffic, and air pollution associated with increased service at these airports. Balancing these interests was an enormously difficult endeavor, requiring years of economic and environmental study, planning, negotiation, and compromise. After much study and consideration, we strongly believe the result is a compromise that is good for the region and good for air competition. In short, these detractors simply do not recognize the complexity of the issues or the care with which local officials and various constituencies have addressed these important issues.

Again, thank you for your careful continued consideration of the proposed legislation concerning the repeal of the Wright Amendment. We stand ready to respond to any questions you or members of your staffs might have.

Sincerely,

LAURA MILLER,
Mayor, City of Dallas.
THOMAS P. PERKINS, Jr.,
City Attorney, City of Dallas.
MIKE MONCRIEF,
Mayor,
DAVID L. YETT,
City Attorney, City of Fort Worth.

Mrs. HUTCHISON. A lot of people—so many people—helped put this agreement together and hammer out the differences and views on the issues. We heard today that Senator LEAHY has one view. Senator CORNYN has a view. I have a view. Just about everybody in Congress who has dealt with this issue has a view.

But I think the law we are passing speaks for itself. The law is very clear in what it instructs the city of Dallas to do, as well as the FAA and the Department of Transportation in implementing this agreement. I think it is a major piece of legislation that is absolutely right.

I agree with Senator LEAHY and Senator CORNYN that this is not going to set a precedent. It is a unique situation that was brought on by a Federal mandate and then a Federal law. And the local community has had less input into its own aviation capabilities than maybe any other two major cities in America with major airports. I think today we have clarified the Wright amendment, and I do not think it is ever going to set a precedent because no other airport has a Wright amendment.

So as we phase it out gradually, in an orderly way, to protect the integrity of the DFW Airport, as well as increasing competition in both DFW and Love Field, this is, for the taxpayers and the consumers and the traveling public, a win all the way around.

I want to thank a few people because no one could have passed this bill alone. It took so much cooperation and so many things that were necessary to bring everyone together.

I thank Senator STEVENS and Senator INOUYE, the chairman and ranking member of the committee of jurisdiction, the Commerce Committee. I could not have asked for more help. The bill passed out of the Commerce Committee 21 to 1. Senator ROCKEFELLER was the only one who voted no, but he could not have been more accommodating and honorable in his objection. Once we passed the bill out of committee, we worked with him to make sure he was a part of everything we did. He has been wonderful to work with.

I thank Senator SPECTER and Senator LEAHY, who had concerns on the Judiciary Committee. I thank Senator BURNS, Senator FRIST, Senator REID, Senator ENSIGN, Senator MCCAIN, former Speaker Jim Wright, who also agrees the time has come to have an orderly repeal of the amendment that he put in place, and, of course, Senator CORNYN. I also want to say Senator SUNUNU was just a gentleman in these last couple of days to help us in the ultimate solution of this bill.

I want to say that staff people, who are pro-progress, who have innovation, and are willing to work so hard—which staff people in this Senate do on such a routine basis—I am so appreciative and so respectful of them. I want to mention a couple because without them we would never have gotten this done.

I thank Lisa Sutherland, Christine Kurth, Ken Nahagian, Sam Whitehorn, Jarrod Thompson, Gael Sullivan, and James Reid on the Commerce Committee. Every one of them had an immense impact on this legislation. I thank Harold Kim, Joe Jacquot, and Ivy Johnson, from Senator SPECTER's staff; J.P. Dowd, Susan Davies, and Ed Pagano from Senator LEAHY's staff;—all who were incredible and so helpful.

I want to take a moment to say that Senator DURBIN and Senator SCHUMER also helped in many of the negotiations on this issue. Senator LOTT was there from the very beginning.

But I also want to take a moment of personal privilege about my staff. I have never seen such dedication on such a tough issue as James Christoferson, Matthew Acock, Lindsey Dickinson, Dick Ribbentrop, and Marc Short made in contributing to this victory for my constituents in Texas. These five people worked on this bill, this negotiation, on a daily basis for the last 6 months. There was never a day when we did not have some item that we were trying to move forward to get this bill to the point that we could pass it on the Senate floor. I think the people of Texas owe a great deal of gratitude to these dedicated members of my staff for never giving up, even when it was bleak from time to time, and being as dedicated as I was to making sure the right result for all parties to this agreement became a part of the solution.

When you work on something for so long, and you know how important it is, and how many people are counting on you, you just feel honorbound to do your best to make sure the people who have worked hard are rewarded. When Mayor Miller and Mayor Moncrief

made this agreement, and when they got the support they needed from the DFW Airport, from American Airlines, and from Southwest Airlines—because their rights were affected—everybody gave a little in order to do good for the populace.

I know in the coming years the traveling public in the North Texas area—in and out—are going to see the benefits of a great competitive atmosphere. The DFW Airport gives the greatest service. They are the mid-country airport that really is the stopping off point for so many travelers going to the rest of the world. That is going to increase, and it is going to increase with lower fares and more convenience. It is going to be more convenient even with the safety antiterrorism measures that are being taken, which we know can inconvenience the traveling public.

DFW Airport is going to be the long-haul service carrier that will be the window to the world for people who live in the middle part of our country. Love Field is going to be a dynamic, limited-use airport because it sits right in the middle of an area that is full of wonderful neighborhoods, schools, churches, and businesses. The right of the city of Dallas to protect the citizens who live in the area is well recognized in the law, and they are invoking it. The city is doing a great job of making sure we have more competition and better fares. Love Field, while a dynamic airport sitting in the middle of a neighborhood, also deserves the safety and the environmental protections of all of our citizens.

So, Mr. President, I thank you for the time. I am very pleased this bill has passed. I look forward to seeing the benefits.

I yield the floor.

The PRESIDING OFFICER (Mr. THUNE). Under the previous order, the Senator from Oklahoma is recognized for 15 minutes.

Mr. COBURN. Mr. President, hopefully, I will not take all that time. I think the American people need to pay attention to what we have just done. The Energy bill, which was actually 41 bills wrapped into one, that we agreed to through unanimous consent, is going to cost the American taxpayer $1.5 billion.

The real question is, in light of where we find ourselves—fighting the war, trying to help the people in Louisiana, Mississippi, and Alabama, and running in excess of a $300 billion real deficit this year—should we be spending money on these priorities? A real problem in Washington is getting Congress to make tough decisions about what is a priority.

I will spend a few minutes outlining what is in the bill because the American people have no idea what was in the bill. The first thing is $500,000 to study lighthouses in Michigan for tourism. Tourism is already a $16 billion industry in Michigan. There is nothing in the Constitution that would say that is a Federal responsibility. We will do it anyway.

Indiana Dunes Visitor Center, $1.2 million to establish a building, construct a theater and a bookstore. Is that a priority right now when we are spending our grandkids' money? We are going to build a bookstore and create a visitor center now when we cannot even pay for the war that we are fighting and we are charging that to our children?

There are new national heritage designations. We have a backlog of over $4 billion in repairs to the National Parks we have today. We cannot even take care of the parks we have today, and we are going to create 10 new national heritage centers, spending over $100 million to do so.

This bothers me on several fronts. Most important, it isn't a priority. It isn't something we ought to be spending money on right now. We are getting ready to do it. We already have 30 national heritage centers. We are going to delete the resources that are going to those by adding 10 more.

Finally, the problem with national heritage areas is they undermine property rights because the money is used to change zoning laws to back the people who have property rights around the national heritages. We are using Federal dollars to create national heritage areas that will undermine individual property rights. That is wrong.

The other thing that is in this bill is a study to assess creating four more national heritages.

The process is broken under which we bring bills such as this to the Senate, at a time when we cannot afford to pay what we are doing today. We spent a ton of our time on appropriations. After what I was told through all this process, after having written a letter raising objections, meeting with the committee, meeting with our leadership, we had a leadership meeting this week which basically said: If you don't let all of these packages of spending of low priority and no priority go through, the Senate will come to a standstill and we will see everything else blocked by the minority.

I believe we ought to be making choices about the right priorities for our country. It is not that heritage areas are wrong. It is that we cannot afford them. We are going to spend money on things we cannot afford and borrow the money from our children and our grandchildren to pay for things that we have to do.

It is cheating our children and our grandchildren. It also is beneath the dignity of this Senate.

This process has to be fixed. We cannot continue to authorize, authorize, and authorize more spending without doing the hard work, looking at what we have authorized that is not working, is inefficient, or is duplicated. But we continue to do it, and I will continue to stand up for the next 4 years and raise this issue every time.

This is not a Democratic or Republican issue. This is an American issue that this Senate does not want to address. We seem to be blinded by the fact that we can just spend and authorize all the money we want and to have no impact. We do not authorize unless we expect it to get spent.

With this bill, through the chairman working with us, he agreed to deauthorize over $150 million. That is a start. But other bills that come to the Senate that have new spending in the future ought to meet a test; that is, have we looked at everything else in that area? Is it working well? Are we spending the money wisely? Are we spending it efficiently? Are there programs that are not working that we ought to deauthorize so we can afford to authorize this as a better priority?

We are not doing that in this country. That is something the American people deserve to have done rather than to hang our children and grandchildren out to dry with debt.

This year, 8 percent of our budget is for interest. In 2035, 29 years from now, 25 percent of our budget is going to be interest. That is $1 trillion. We spent $200 billion this year on interest because we will not be frugal with the American taxpayers' money. There is over $200 billion worth of fraud, waste, and abuse in the Government programs we have today, and we will not go and fix it. Instead, we will spend another $1.5 million because that is easy to do. It sounds good at home, but we will not do what is necessary to secure the financial future of this country.

The notice I am placing today is there is a precedent established with this bill. If you want to authorize new programs and you want this Senator not to object or to debate them on the floor, there better be deauthorizations of programs of that committee's jurisdiction before they can expect my vote on a unanimous consent agreement to spend into the future and to undermine the future of the next generation of Americans.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized for 10 minutes.

H–2A PROGRAM

Mr. CHAMBLISS. Mr. President, I take a few minutes to respond to some of the comments made this afternoon by my colleagues from Idaho, from California, and Massachusetts. First of all, they are correct in stating the H–2A program, which is the existing temporary nonimmigrant worker program for agriculture, does not work the way it should.

However, what Senator CRAIG, Senator FEINSTEIN, Senator BOXER, and Senator KENNEDY propose to do, rather than make many of the necessary changes to make the H–2A program viable nationwide is, first of all, to grant an amnesty to virtually everyone who has passed through agricultural occupations in the past 2 years.

We all know that agriculture has been the traditional gateway occupation for illegal immigrants in the

United States. I strongly disagree to large-scale adjustment of status for illegal aliens philosophically, particularly in the area of agriculture, but my objection has practical roots.

Agricultural work is the hardest, most backbreaking work in the United States today. As soon as we give illegal aliens who are currently working in agriculture lawful, permanent resident status, as the AgJOBS bill will do, they will no longer choose to work in the fields, packing sheds, groves, or processing facilities.

I come from the heart of agriculture country in the southeastern part of the United States. I have talked to farmers in my area not just for the 12 years I have been privileged to serve in Congress but even before that. Labor has been the most critical issue they have had to deal with year in and year out in addition to disasters, to too much rain, to not enough rain, to high gas prices.

The immigration issue has the potential to be the answer if we do the right thing. We know these folks will leave agriculture and move into the private sector because this is what happened in 1986 after Congress passed the Immigration Reform and Control Act. Included in that legislation was the special agricultural worker program that gave temporary legal status to illegal aliens who had worked a certain number of years in agriculture. Two years after obtaining a temporary status—and in some cases 1 year—those illegal workers were given permanent status. They soon left the fields and moved into the private sector in so many other areas where we find them today.

My position as chairman of the Senate Agriculture Committee has provided me the opportunity to travel across the United States and talk with farmers and ranchers. Recently, I have concluded eight field hearings from one end of the country to the other, from the east coast to the west coast. In every single hearing we held with farmers and ranchers across America I had any number of farmers who came up to me during the process of those hearings to talk about immigration. It is an issue on the west coast. It is an issue on the east coast and all parts in between. And to a farmer, the one thing I heard from him was: Senator, whatever you do, don't let the AgJOBS provision that grants amnesty to folks who come to this country to work in agriculture get passed because if you let that provision in, I assure you, the pool of agricultural workers that we need will not be there after they gain that permanent status in the United States.

Why should we expect this adjustment status to be any different than what we saw in 1986? It won't. I don't think it will be, and the folks who are involved in agriculture don't think it will be. All that would be left to our farmers and ranchers will be the H–2A program, and the revisions that Senators CRAIG, FEINSTEIN, BOXER, and KENNEDY make to the H–2A program are actually detrimental to the future success of that program.

I have talked to farmers, as late as the day before yesterday. I had a group of farmers from all over the country who were in my office, and every single one of them uses the H–2A program. What they tell me is the program, as they have used it, is cumbersome. It is expensive. But it works. And in the areas of the country where farmers have used the H–2A program, the labor shortage issues are not as acute as in those areas apparently such as in California and Idaho, where they use illegals crossing the border, and where now the border is being tightened up and they are feeling a pinch because they do not use legal workers.

In my part of the country, I went to our farmers who complained about not having a quality pool of workers from which to choose. And when they used illegal workers, and they had the INS come in and check on them, the illegals scattered from one end to the other, all of a sudden, and they were left naked and unable to harvest their crops. I said: What you have to do is get in compliance with the law. You have to use H–2A, irrespective of how inconvenient it is, irrespective of how bureaucratic it is, and irrespective of how expensive it is, if you want to be legal and if you want to have that quality pool of workers from which to choose.

By and large, farmers in my part of the world are now using H–2A, and they are finding that exactly what we thought would happen is happening. They do not have to look over their shoulder every year to see if ICE—now it is ICE—is coming in to check their workers. They know they are here legally. They know they are going to have to pay them a good wage. They know they are going to have to provide them with housing—all the things that H–2A provides. And they are willing to do that because they do have a quality pool from which to choose.

Now, finally, I point out that even though H–2A is not perfect—it is cumbersome, it is costly, it subjects employees who use it to lawsuits—in those areas where H–2A is used, they are not experiencing the shortage that others have found. So I think, rather than grant a large adjustment of status to illegal workers, we ought to sit down at the table and talk about ways we can make the H–2A program more workable for our farmers.

I am happy to sit down with my friends from California and Idaho and see if we cannot work through this. But let me say there are some fundamental problems with AgJOBS in addition to the adjustment of status provision, which does grant a pathway to becoming legal, a pathway to citizenship for those people who work in agriculture in this country under that program for a period of 2 years. We have to work through that. I do not think that is in the benefit of the American people, whether it is the American farmer or whether it is those people who are here legally trying to become citizens in the right way.

Secondly, there is an issue relative to the wage rate. Now we have the adverse effect wage rate under the H–2A program, which is not fair. It is not equitable to farmers in North Dakota versus farmers in Georgia, versus farmers in California and Idaho. In the recent immigration reform package we had on the floor, we sought to amend that bill to include what is known as a prevailing wage, ''prevailing wage'' being a wage that is determined by the Department of Labor to be applicable to agricultural workers in certain regions within a State, rather than in regions of the country. It is fair. It is equitable. We need to have that prevailing wage provision put into whatever amendment we make to the H–2A program.

Also, the AgJOBS bill does not eliminate what we call the 50-percent rule. Every farmer who uses H–2A knows and understands exactly what I am talking about and knows what a hindrance this is to them because, under AgJOBS, they would be forced to hire what is called a blue card worker who is treated like a U.S. worker for hiring purposes. If he shows up at the farm before 50 percent of the work is complete, then even though the farmer has an H–2A worker here, he has to send that individual back to wherever he came from and hire that domestic person or that blue card person under the AgJOBS program.

It gets complicated, but those folks who have been involved in this know exactly what I am talking about. What we should make sure of is that at the end of the day we have a program that is fair to farmers, that is fair to Americans—whether they are folks who are here looking for work in agriculture or whether they are folks who are trying to become citizens of this country in a lawful way, in the way that is set forth in our Constitution—that we should make sure we provide our farmers with a quality pool of workers from which to choose, and that we make sure our farmers are required to pay those individuals a fair wage and are required to either provide them housing or provide them a housing allowance, so while they are here working on their farms we do not have to worry about where they are out in the communities, and that they are able to take care of themselves while they are here.

All of these issues are critically important parts of any immigration reform package we take up. So I simply urge again my friends who want to give these folks who come to work in agriculture a pathway to citizenship that we sit down at the table and work out these differences. Let's amend H–2A and accomplish the goal we all have in common.

Mr. President, I yield back.

The PRESIDING OFFICER. Under the previous order, the Senator from

North Dakota is recognized for 30 minutes.

AGRICULTURE DISASTER RELIEF

Mr. CONRAD. Mr. President, I rise today on behalf of myself, Senator NELSON of Nebraska, Senator HAGEL, Senator DORGAN, Senator SALAZAR, Senator COLEMAN, Senator BAUCUS, Senator JOHNSON, Senator BURNS, Senator HARKIN, Senator CANTWELL, Senator CLINTON, Senator SCHUMER, Senator INOUYE, Senator THUNE, Senator DURBIN, Senator OBAMA, Senator REID of Nevada, Senator DAYTON, Senator MURRAY, Senator JEFFORDS, and Senator ENZI.

Mr. President, 21 Senators, on a fully bipartisan basis, have cosponsored this legislation to provide disaster relief for our Nation's farmers.

In North Dakota, last year, we faced what was then extraordinary flooding. As shown here, these were pictures all across eastern North Dakota. We had a million acres that were prevented from even being planted, hundreds of thousands of additional acres that were planted and then drowned out. There was no disaster assistance for those people.

This year—the irony of ironies—we have now had extraordinary drought. This is a picture from my home county, Burleigh County, in the center of North Dakota. This is a corn crop with absolutely nothing growing. This drought is now the third worst drought in our Nation's history.

This chart shows the U.S. drought monitor. It shows the severity of the drought across the entire midsection of the country. This shows, in the darkest colors, exceptional drought. You can see the exceptional areas of drought are these. North Dakota and South Dakota are the epicenter of this drought. It has been devastating. If assistance is not granted, thousands of farm families will be forced off the land. That is a fact.

I have had the independent bankers of my State say to the White House representative who was in my office: If assistance does not come, 5 to 10 percent of their clients in North Dakota will be forced out of business.

Thirty-four farm organizations—34 farm organizations—have now spoken and told the Congress of the United States: Take action on disaster assistance and take it now.

In addition, we have this letter from the State Commissioners of Agriculture from all across the country, saying that emergency agricultural disaster assistance is a high priority requiring action by Congress this year. It could not be more clear that assistance is needed, and it is needed now.

Last May, the Senate approved bipartisan emergency agricultural disaster assistance for the 2005 crop year. The President threatened to veto the bill if the farm assistance provisions were included. During the conference with the House, the majority leadership demanded the assistance provisions be removed.

In June, the Senate Appropriations Committee once again approved emergency disaster assistance as part of the agriculture appropriations bill for 2007. Again, the majority leadership has failed to bring that measure to the Senate floor for debate and vote.

Since that time, much of rural America has suffered from what USDA meteorologists have described as the third worst drought since records have been kept. Only the 1930s and 1950s exceed the severity of this drought.

In early September, I introduced a new bipartisan farm disaster relief bill to provide help for both 2005 and 2006. Senator NELSON and I offered that legislation as an amendment to include during the port security bill consideration. A vote on that amendment was denied by the Senate leadership.

Last week, I once again tried to get the Senate to adopt disaster relief legislation. Again, the efforts were thwarted by the majority leadership.

Today, as we are about to recess the Senate, I will offer a revised version of the important disaster legislation. Let me make clear to my colleagues, these are the disaster provisions that have already been approved by the Senate, but we have made a modification because the administration has said there are two provisions they object to. Those provisions—the economic assistance provisions to help offset the rising cost of energy, and the additional grants to the States to deal with the livestock losses—we have removed those two provisions the administration has objected to.

We retain the crop and livestock production loss provisions of the original legislation. Crop producers will still need to demonstrate a 35-percent loss before they get anything. Payments for the livestock compensation program will only be made to producers whose operations are in counties designated as disaster areas by the Secretary, and who can demonstrate they suffered a material loss.

It also contains additional funding for conservation programs to help restore and rehabilitate drought and wildlife losses on grazing lands.

As I have indicated, my new legislation eliminates the emergency economic assistance for program crop and dairy producers, and it strikes the supplemental grants to the States to assist other livestock and specialty crop producers.

These provisions were included in the original bill, but because the administration has objected, we have removed them. By making these changes, the Secretary's opposition no longer has any basis.

The cost of providing emergency disaster assistance for losses in 2005 and 2006 is reduced from $6.7 billion in my original bill to $4.9 billion in this legislation.

Farmers and ranchers need assistance for 2005 and 2006 natural disasters, and they need it now. If these emergencies are not dealt with, tens of thousands of farm families and main street businesses will suffer, some of them irretrievably. It is time for Congress to act and to allow this legislation to be voted on. Let's give our colleagues a chance to vote. We have removed the reasons for the objection from the administration.

I urge my colleagues to act.

Mr. President, I ask the Presiding Officer, how much time do I have remaining?

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator has 22 minutes remaining.

Mr. CONRAD. Mr. President, I ask the Senator from South Dakota if he could take 4 minutes? I yield 4 minutes to the Senator from South Dakota; and to the Senator from North Dakota, if I could give 4 minutes; and the Senator from Montana 4 minutes; and then the Senator from Nebraska 4 minutes as well.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I am glad to join my colleague from North Dakota today and support him and the other 20 Senators who are on this bill in moving disaster assistance through the Senate.

As the Senator from North Dakota has noted—you saw the drought chart he put up earlier—the Dakotas were the epicenter when it comes to drought this year. We had the bull's-eye, the area where the most severe drought hit.

I visited in South Dakota in June. At that point, we had no wheat crop. In all of central South Dakota, both winter wheat and spring wheat were all wiped out.

I went back in July to central South Dakota and looked at other parts of the State. By then, we could tell we were not going to have a corn crop. I went to western South Dakota in August with my colleague Senator JOHNSON. We traveled to areas west of the Missouri River and again to the central part of the State. We looked at corn that rivaled what the Senator from North Dakota showed that was about this tall—or about this tall—when it ought to have been in full bloom.

The livestock producers in western South Dakota had no hay crop. As a consequence, many of them had to liquidate their herds. What that means is that effect is felt not only directly by them and those families, but by the entire rural area, the entire farm economy in my State and States such as North Dakota.

It would be one thing if it were a 1-year deal. But this is successive years of drought, 6 years in a row, 1999, 2000, on through 2005. We have had these types of weather conditions in our States. The month of July was the hottest July on record in my State. In the months of May and June we normally would get precipitation. We had less precipitation than the average during

the years of the Great Depression—the biggest disaster to ever hit farm country.

We respond as a country, as a Congress, when other areas of the country are impacted.

We do it when we have hurricanes. Many stepped up and supported the assistance for areas in the gulf. This is the same sort of disaster. It has the same sort of effect. It may not have the immediate aftermath you see when a hurricane strikes. It is a slow-motion disaster, but the effect on the economy in places in the Midwest is just as disastrous and devastating.

Mr. President, we need action. We need the Senate to do what it has done in the past; that is, step forward and provide relief for these hard-hit farmers and ranchers in the Midwest. It was noted by my colleague from North Dakota that the Senate has, on a couple occasions, passed drought disaster relief. We need to get it passed. I am happy to join in that effort.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. THUNE). The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, my colleague said it well. This is a picture of Frank Barnick walking in a creekbed that used to provide water for his cattle. One day this summer, it was 112 degrees in North Dakota. You can see the devastating drought that has occurred. The land looks like a moonscape.

Frank Barnick said this:

> It is the worst drought I have ever seen. You do a lot of praying and wondering how you are going to get through it.

One way you get through these things is when Congress decides to reach out with a helping hand and say: We want to help you, you are not alone. We have always done that. Somehow, this year it hasn't been quite as urgent to do it. I don't understand that.

Senator BURNS and I have twice moved legislation through the Appropriations Committee. The Senate has twice passed agricultural disaster aid. It has moved through the Appropriations Committee a third time. My colleague, Senator CONRAD, taking the lead in drafting, with many of us assisting, created the disaster legislation now pending that we should, by consent, move through the Senate. Yet somehow it remains blocked. It is not urgent for some. This isn't about the major industries—the pharmaceutical industry, the oil industry, or about another big industry—this is about individual families living a hard life, trying to make a living during tough times.

Will Congress help? We have helped endangered species. We can deal with them—birds, bats, butterflies, black-footed ferrets, and prairie dogs. When they are endangered, we say: Let's help. There is a species called family farmers and family ranchers who are out on the land living alone, trying to make do by themselves. When tough times come, when weather-related disasters come, they need help.

With the Katrina victims, when those who live on farms in the gulf were devastated by Hurricane Katrina, this Congress passed agricultural disaster aid for them. This Congress said yes. So did this President. They just said to all the rest of you in the country out there on the farm or ranch who got hit by an agricultural disaster, a weather-related disaster: You are out of luck, we don't support you. That was the message from the President. So he blocked it.

These are Republicans and Democrats on the floor of the Senate today working together to say this needs to get done. This is a priority. I hear the President and others go all around the world when there is trouble to say: Let us help. We are there to help you. What about here at home? Do we need to help here? You bet your life we do. We need to do it now.

The question of whether these folks will farm and ranch next year depends on whether we do what we are required and responsible to do. The answer for the last year now, and recent months, is that somehow we don't have time or the urgency and that we cannot quite get this done. That is the wrong priority for this country. This country has a responsibility to reach out to help its own, reach out to help people who are in trouble.

These are American all-stars, the people who live on the farms. They produce food for a hungry world. They don't ask for very much. When a weather disaster strikes—a hurricane, a drought, or a flood—and their entire income is washed away, they would hope, I would hope, and I think the values of our country would expect, that we would reach out a helping hand and say: We want to do this now. It is a time-honored tradition.

We are not asking for something strange or different. We have always helped during tough times. Let's make this an urgent priority this afternoon; we can do this. Let's make this a priority and decide we are going to do the right thing for America's family farmers and ranchers.

I yield back my time.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, I don't know of anything more frustrating to all of us who come from farm and ranch country than to try to get this taken care of. We tried to take care of it last year and didn't get it done. There was no urgency. We had a fairly good crop this year. We were not the epicenter of the drought. We have been in that bull's-eye now for 6, going on 7 years. It takes its toll not only on wells but reservoirs and streams.

I am here in support of this because I will tell you that the Dakotas were the epicenter, and they helped us out when we needed it. We are going to try to help them out the best we can and do something.

This year in range country, we probably had more range fires burning—over 800,000 acres in Montana alone. We had a lot of growth to our grass in the first part of the year. We hit July when it was terribly hot, and it became crisp. When August came, we got the fires. They were devastating, taking out fall pastures, hayfields, fences, even livestock, and we had to move a lot of livestock.

We need to boost this legislation. We have it back down to where I think it is a pretty commonsense approach where nobody is getting rich. The only thing we are trying to do is just get the folks to next spring, get them into next year. That is what this piece of legislation is all about. There is nothing excessive in this piece of legislation or the money we will spend. There is not. All of that has been taken out. This is barebones. This is the basics to their operations. We need to pass it this afternoon. I call on the leadership from both sides of the aisle to urgently take a look at this and make sure we get it done before we go home.

Mr. President, I heartily support this, and I know the man in the chair right now, who probably knows his State about as good as anybody—he was raised ''west of the river,'' as we call it, in South Dakota. I have never seen an area as devastated by drought as this area was. You could not raise a fence.

So I would call on the leadership to take a look at this, pass it this afternoon, and get them some money before next spring rolls around.

I thank my good friends from North Dakota for their leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I ask unanimous consent for an additional minute.

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

Mr. CONRAD. Mr. President, I ask unanimous consent that Senators DAYTON, MURRAY, JEFFORDS, ENZI, and THOMAS be added as original cosponsors.

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

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senator from South Dakota be given 4 minutes and the Senator from Minnesota, Mr. DAYTON, be given 4 minutes at the conclusion of Senator NELSON's remarks.

The PRESIDING OFFICER. Is that from the Senator's time?

Mr. CONRAD. Yes, out of my time.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I rise to speak in support of S. 3991, the Emergency Farm Relief Act of 2006. I thank my colleague, Senator CONRAD, for his hard work and leadership in trying to get this bill passed. We have all been working together on a bipartisan basis.

The Presiding Officer spoke eloquently about the need for this relief. Today is the last day for this Congress to consider providing relief for our Nation's farmers and ranchers who have suffered through multiple years of drought and other natural disasters. This is the time we can do it, before we adjourn for the elections.

I am frustrated with our refusal to provide relief to farmers and ranchers suffering from this particular natural disaster even though we seem to have no problems providing relief for other natural disasters, such as hurricanes. I accept the fact that we do that, but I don't accept the fact that we do that and fail to do this.

Mr. President, I have a chart here which shows the extent of the drought in the Midwest and down into Texas. You can see where the hotspots are. I will tell you that this only tracks it most recently. It doesn't show the extent of the damage that has happened over 5 to 7 years. So if you just overlaid 5 or 7 years on this, you would see where the drought has continued.

I decided that maybe to get parity here for this kind of disaster it might be helpful to give the drought some identification. So, unilaterally, I decided to name it ''Drought David,'' the same way we name hurricanes.

The unfortunate fact is that Drought David has, in some instances and in some locations, experienced its fifth birthday and, in some other areas, its seventh birthday.

Failure to provide this needed relief threatens many small rural businesses and communities as well as farmers and ranchers. It threatens our Nation's food and fuel security efforts. So today I join my colleagues and thank Senator CONRAD for his final push because this is, in fact, a bipartisan effort to try to take care of those who are experiencing losses that are far beyond their ability to sustain and, certainly, far beyond their control.

Over the last few years, I think we have begun to understand that a drought has devastating impacts in much the same way hurricanes do in other locations. The difference is that a hurricane or a flood is a fast-moving disaster; this is a slow-moving disaster that can go over the course of years, as I have indicated. Giving it a name, I hope, will somehow have the impact of our colleagues understanding that this is an incident which goes over a long period of time; nevertheless, the devastation can be considerable, and in some cases the economic losses can be the same as those who have other disasters.

We cannot prevent a drought, but Congress can help when a drought devastates large portions of our country. Some said maybe what we need to do is make sure the crop insurance program takes care of it. Well, the crop insurance program is for an occasional loss, not a continuing and sustained loss such as this. To give some sort of an analogy, you could not have insurance that would cover your house if it burned down every year, but occasional loss can be covered by insurance. This is just not coverable by insurance the way that it is right now. We cannot prevent it, but we can help. That is what we are all about today.

I am happy to report that we have taken some action that I think will be helpful. Just the other day, the Commerce Committee passed my NIDIS—National Integrated Drought Information System—legislation. That will help us create a system that will give us early warning so we will know how long droughts continue, give us better ideas about what drought conditions are predicted. This early warning system will give farmers and ranchers a better idea of what to expect. They can make planning decisions or livestock decisions based on the kind of information that will be available.

Unfortunately, at the present time, we are where we are, and we are not where we would like to be. We hope we will have the opportunity today with unanimous consent to move this bill forward. We can do it before we break, whether it is tonight, tomorrow, or Sunday. We need to get this done. There is no justification. We can ask the question: If not now, when? If not now, why?

I thank the Presiding Officer, and I thank Senator CONRAD for this time.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I thank the Senators from North Dakota, Mr. CONRAD and Mr. DORGAN, for their extraordinary leadership on this issue.

We have a crisis of enormous proportions across a large swath of America, from the Canadian border all the way to Mexico. My home State of South Dakota, as has been noted, is virtually the epicenter of what has been a drought, not just a catastrophic drought this year but the previous year and some portions of South Dakota going back to the year 2000. It has been devastating to our agricultural economy, but then as well to our Main Streets, to the economy of that entire region.

Recently, I joined with my colleague, Senator THUNE, in a joint drought tour around portions of South Dakota that have been worst hit. It was evident that the needs were urgent.

We saw herds being sold off entirely, calves being sold prematurely. We saw the factory, in effect, being sold off from the livestock sector of our State.

In the crop areas, we saw areas where there was corn that was perhaps 6 inches high with no ears. In other areas, you would have to get out of the pickup and kick the dust to tell what had been planted, whether it was soybeans, corn, whatever. It was entirely lost.

There are stock dams without water. Farming operations—good operations—that have been in the family for generations, some 100 years or more, are in great jeopardy.

So I am here today to share my support for getting on with disaster relief.

We passed disaster relief for the 2005 drought as part of the supplemental appropriations bill. Unfortunately, when it went to the House, the agriculture portion of it was largely stripped out. We provided money to rebuild Iraq and money to rebuild Katrina—and I wish them all well—but there is a lack of regard for the crisis that exists in rural America.

The administration is talking about rebuilding Iraqi agriculture in rural communities. That is fine. But we have American farmers and ranchers and American Main Streets that need some attention, and that need for attention is urgent.

We attempted to pass agriculture relief on the Agriculture appropriations bill, but that has now been delayed until after the election. Whether we are able to hold on to that funding remains to be seen.

Clearly, we will have progress if we continue the bipartisan support we have up to now exhibited in the Senate where there has been pretty good support, with Republicans and Democrats, Senators from all regions behind us on this issue. We need to have support from the White House as well.

It is my hope that the White House will recognize that this drought has only grown worse, the needs more urgent. Senator CONRAD, to his good credit, has worked very closely with the White House and with others to reduce the cost of this effort, to meet some of the objections that have been raised by the White House and by USDA.

So what we have here is a drought bill that would cost about the equivalent of 2 weeks' expenditure in Iraq for the entire Nation, for the entire year, for multiple drought years.

It is important we recognize droughts are disasters, just as much as earthquakes, hurricanes, and tornadoes. They are less dramatic because they happen through a drawn-out period of time, but they are just as devastating. Just as Americans come together to deal with disasters that occur in other parts of the country, we need to come together on this disaster as well. Americans looking after Americans.

We are now at the final shred of time left in this Congress. This is our last remaining hope to get this done. It is my hope we can set aside partisan politics and appreciate the losses that are being sustained are losses that are happening to American farmers and ranchers and American Main Streets, and it needs an American response.

If we pull together in this body, I am confident that we will, in fact, make some progress. There still is time, but we have to act now.

Again, Mr. President, I urge my colleagues, I urge USDA, the White House, and our friends in the other body to recognize the critical need, the urgent need for attention to this catastrophic string of drought years that our farmers and ranchers and Main Streets are facing.

I yield the floor.

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

The PRESIDING OFFICER. Ten minutes.

Mr. CONRAD. Mr. President, I yield 4 minutes to the Senator from Minnesota. If he uses less, he can yield time back.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I thank my distinguished colleague from North Dakota, Mr. CONRAD, who championed this cause of disaster relief for not only his farmers in North Dakota but across the affected areas, which certainly includes my State of Minnesota.

As others noted, this is a bipartisan effort. I see my friend and colleague, Senator COLEMAN from Minnesota, is here also. We stand together to make this a bipartisan effort on behalf of the farmers throughout our State who have been devastated by these natural disasters over the last few years and particularly the last 2 years to which this bill applies.

I regret that this has been passed by the Senate before. I commend this body for doing so, again, on a very strong bipartisan basis. Unfortunately, the administration has not been willing to allow this funding to go forward or even some part of it. This is long overdue.

It is unfortunate that we are now at the 11th hour, the 59th minute of this session in this year, and we haven't even addressed the disaster relief necessary for the last calendar year. This legislation would deal with that and also this year's relief.

This disaster has afflicted our State, and some of our counties have lost three-fourths of our crops. In fact, almost half the counties in Minnesota have already been declared disaster areas.

The crisis is real. The suffering is acute. As others said, we have a magnitude of disaster in New Orleans after Hurricane Katrina, but a disaster is a disaster. A complete disaster is as devastating to a family in northwestern Minnesota as it is to a family in New Orleans.

I urge my colleagues, once again, to support this measure, and I plead with the House and the administration to work out these differences so that these farmers and their farms can be saved, and their families can be saved. It is only simple justice and humanity.

Mr. President, I yield the floor and yield back the remainder of my time.

Mr. CONRAD. Mr. President, I can yield 3 minutes to the Senator from Minnesota. We have now run down the clock.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I thank my colleague from North Dakota for yielding me time.

I stand with my colleague from Minnesota, Senator DAYTON, in bipartisan agreement. This is not a partisan issue, and it should not be a partisan issue. I consider this one of the most important pieces of legislation that has been left undone this year, agricultural disaster assistance.

While this body has come to the aid of producers in the gulf affected by hurricanes who need agricultural disaster assistance, Minnesota's farmers and families have been left to fend for themselves in the face of natural disasters—the flooding of 2005 and the record drought in 2006.

In the sugar sector alone, revenue was reduced by $60 million in Minnesota in 2005 thanks to this natural disaster. In one county, crop loss exceeded $52 million, and farmers were prevented from planting over 90,000 acres thanks to saturated fields. These are not just numbers; these are people's lives. These are their livelihoods. There is a sense of history and connection to the land, and the future is now at risk.

I was up at Lake Bronson, MN, in northwest Minnesota, and met with over 100 farmers. It is their lives. The farmers are calling my office desperate to save the family farm. Farmers are losing operations, pure and simple.

Some folks in Washington cited the overall success of agriculture in 2006, the aggregate numbers, as justification for withholding assistance. Congress didn't look at the overall economy in determining what sort of assistance to give those affected by the great disaster in the gulf. We didn't cite the Nation's robust GDP growth and low unemployment rate as a reason not to assist gulf communities whose local economies were devastated by natural disaster. Nor should we propose such a false standard for comprehensive agricultural disaster assistance.

It is true that the suffering in the gulf is great. I have seen the tremendous damage myself. I have come to this floor time and again to lend my hand to fellow Americans. I can't help but think of the 100-year flood in the Red River Valley. Senator DAYTON knows; he was there. We saw neighbors fighting a flood together one sand bag at a time, regardless of whose house was closest to the water.

Your State might not be the closest to the flooding that occurred in my State last year or the drought this year, but as a neighbor of mine, a fellow American, I just ask you to help me fight the natural disaster being endured in Minnesota, the Dakotas, and other parts of this country. None in this body can build a dike on our own. Please allow this assistance to go forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I have been advised that an objection will be raised when we make the request to go to this bill. I deeply regret that. I cannot tell colleagues how deeply I regret that because we have tried to meet now every objection that has been raised.

We were told that the only objection left to this legislation was that there were provisions that could conceivably help someone not damaged by natural disaster, even though they had been damaged by the sharp runup of energy costs.

The legislation as previously passed by the Senate could aid those who were not hurt by natural disaster. So we took out those provisions, with a savings of $1.9 billion.

Now what is left are the most basic disaster provisions that have been provided by Congress in disaster after disaster. This is national legislation; it is not regional. It is national. Nobody gets any assistance unless they have had at least a 35-percent loss. And if they have had at least a 35-percent loss, they get no help for that first 35-percent loss. They get nothing. Zero. It is only if they have had a loss of more than 35 percent that they get any help, and the assistance only then applies to after they have had the loss of 35 percent. Once you get beyond that, then assistance begins.

No one is made whole. No one is enriched. What people are given is a chance to make it to next year. That is what is in doubt.

The bankers of my State have told me that if there is a failure to provide this kind of assistance, 5 to 10 percent of the producers in my State will be forced off the land. That is the reality of what we confront.

Mr. President, I ask unanimous consent that the pending business be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CONRAD. Mr. President, I regret very much an objection has been raised. We have done everything we have been asked to do to alter this legislation to meet the objections previously raised.

So I ask one more time, Mr. President: I ask unanimous consent that the pending business be set aside.

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CONRAD. Mr. President, the Senator has that right. I regret that he has exercised that right. What we have done on a bipartisan basis now, 23 Senators have come endorsing this legislation on a fully bipartisan basis asking for help of the most basic sort. I must say, as one Senator, if we can't get assistance in this kind of circumstance, we are going to have to think long and hard when other colleagues come to us about assistance for their areas when they suffer disaster. Always before we have responded in kind. We have helped those who have had disaster, whether it is flood or hurricane or whatever disaster. And now we are told that a drought somehow is not worthy of assistance. I must say, I think it is shameful.

The people are about to lose their livelihoods. We have done everything we have been asked to do to reduce the cost of this bill, and now we are told: Sorry, there is no help. We won't even consider it. We won't even allow a vote to occur because we know what would happen if there was a vote. It would be overwhelmingly passed, as it has been in the past when it was far more expensive than the bill we come with today.

Mr. ROBERTS. Mr. President, will the gentleman yield?

Mr. CONRAD. I am happy to yield.

Mr. ROBERTS. I ask unanimous consent that I be added as a cosponsor to this legislation.

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

Mr. ROBERTS. Mr. President, the reason we know it would pass, I would say to the gentleman, and I thank him for introducing this—and I am a little out of breath because I didn't realize we were debating this, so I ran over here. But at any rate, I thank my colleague for introducing this bill.

The reason we know it would pass is it has already passed the Senate as part of the supplemental. It is about $4 billion. Everybody understood at that particular time we had an urgent need in farm country. Everybody understood at that particular time we had a lot of problems with disasters, but as others have pointed out, if you have a hurricane, you get in the headlines. If you have a forest fire, you are getting headlines. If you have those kinds of tragedies, like a flood or even a mudslide in a State where people build houses perhaps where they shouldn't build them—obviously it attracts attention

The PRESIDING OFFICER. The gentleman's time has expired.

Mr. ROBERTS. Mr. President, I ask unanimous consent that I be granted an additional 5 minutes. I know there are other Members waiting, but I would like to at least proceed with the Senator, my friend, for another 5 minutes, if that would be all right.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Mr. President, I ask unanimous consent that—I was to be the next speaker for 15 minutes, so I ask that I be granted 20 minutes on my time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERTS. I wish to thank Senator GREGG for his generosity in regard to allowing me, with the gentleman yielding to me, to make some additional comments.

I was saying that all of these tragedies end up in the headlines. We know, and all of us who are privileged to represent rural areas, especially the Plains, that we have had a drought not 1, not 2, but in some cases 5 or 7 years in a row, and we know we don't have any subsoil moisture. We also know energy prices have gone up 113 percent since 2002. It isn't exactly that we were rolling in clover to begin with, but now there is no clover that will come up.

We also know, although people may not want to talk about it right now, that the current farm bill doesn't work in this circumstance. I voted against the current farm bill. It is not my intent to come down here and discuss the farm bill, however, there are some very real problems. First, it is the countercyclical program. It means when a farmer doesn't have a crop, he gets no payment. It also means he has no real crop insurance because the average production history on his crop insurance has gone down. So no crop insurance, no payment. High and dry. This is the only way we are going to provide assistance to farmers.

Now, I regret it is the 11th hour and 59th minute. I fully expect an objection. I hope that would not take place. But at any rate, we are building a case that if we have to come back here during what is called a lameduck session, something can be done. I credit the Senator for his leadership in this regard.

A drought is a drought is a drought, and it doesn't get much attention, but the people affected suffer just as much as people who suffer from other tragedies. I again credit the Senator for bringing this up. I am a cosponsor. Whatever we get done, I look forward to working with him. We have done it in the past. We did it with the supplemental. It was taken out in the House, by the way. We need this relief, and we need it now.

As I said before, I will vote for the bill, and I will speak for it, as I have done. And quite frankly, if this is headed for a Presidential veto, I will vote to override it.

I thank the Senator.

Mr. CONRAD. Mr. President, I thank very much the Senator from Kansas, the former chairman of the House Agriculture Committee and a real leader on the Senate Agriculture Committee and my friend. I would advise him that an objection has already been raised, so we are going to be denied even a chance to vote. I regret that and I regret that deeply because I know what it means, after having been all across my State and having farmers tell me—some farmers who have been in the business for more than 30 years who have told me this will be their last year; to have had the bankers of my State come to Washington to tell me that if there is a failure to provide disaster assistance, 5 to 10 percent of the farm and ranch families of my State will be put out of business. That is the harsh reality. And this afternoon, an objection has been raised and raised in a way that will preclude us from even having a vote. I think we all know what would happen if a vote were held: this legislation would pass, and it would pass overwhelmingly.

We should advise our colleagues this will not be our last attempt. If there is a lameduck session, we will be here and we will insist on the chance to have consideration for this legislation.

Mr. DORGAN. Mr. President, will the Senator yield?

Mr. CONRAD. I am happy to yield.

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

The PRESIDING OFFICER. There is 1 minute 20 seconds remaining.

Mr. DORGAN. Mr. President, let me just follow up on the point that this would be a bipartisan vote here in the Senate today. I want to point out that the piece of legislation Senator CONRAD has worked on and that I have added as an appropriations measure twice has passed the Senate. Twice I was in conference with that. Twice it was defeated in conference. I wish to make that point because the implication was the Department of Agriculture didn't have much to do with that. The fact is the House conferees defeated this because the President threatened to veto it, and the House conferees were listening to the Department of Agriculture, which also opposed it.

Look, it seems to me we need the administration to understand what is going on here. This is bipartisan on the floor of the Senate. We need some help downtown as well from the Department of Agriculture as well as the White House to get this done.

Mr. CONRAD. Mr. President, I have been asked to ask unanimous consent that Senator CLINTON be given 15 minutes at the end of the current queue.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Yes. I have a unanimous consent request that following Senator HUTCHISON, who will follow me, the following Senators be recognized in order: Senator CLINTON for 15 minutes, Senator CHAFEE for 5 minutes, Senator KYL for 15 minutes, and Senator BYRD for up to 45 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DAYTON. Mr. President, reserving the right to object, I ask unanimous consent that I be recognized to speak on the bill I believe is before the Senate, the Secure Fence Act, for up to 20 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Hampshire is recognized for 20 minutes.

EFFECTS OF BUSH TAX CUTS

Mr. GREGG. Mr. President, I rise today to speak briefly on what is an interesting point that I think needs to be made a few times because there has been a bit of discussion in this Chamber and questions in the public's mind as to how the President's tax cuts have affected the economy and affected Americans.

If we were to listen to the mainstream press from the Northeast, for example, or to the mainstream commentary and to our colleagues on the other side, you would think the President's tax cuts were basically a benefit to the wealthy in America to the detriment to those who are not so wealthy. That is the basic theme—class

warfare. That is what we hear day in and day out.

Well, the facts are in. The facts are in on the President's tax cuts, and they are very good for this country.

To begin with, let's put in context when those tax cuts occurred. At the end of the Clinton administration, we had seen the largest economic bubble in the history of America. The stock market went up dramatically, way past real values, based on basically paper, as a result of speculation around the Internet. That bubble collapsed, forcing us into a recession. That was followed by the attack of 9/11, which was not only a traumatic cultural event for us, involving a horrific loss of life, it was also a huge economic attack on the American economy. Those two things together should have thrown us into almost a depression or certainly an extraordinarily severe recession.

But what happened in the middle of this was that the President suggested cutting tax rates on all Americans. That tax cut came at just the right time because it softened the blow of those two huge economic events, those two extraordinarily recessionary events, and allowed the economy to bottom-out in a shallower and less harmful way and start to move back up dramatically. In fact, the practical effect of those tax cuts is the following because after 5 years, we know the facts, very interesting facts.

No. 1, the revenue to the Federal Government has increased dramatically as a result of the tax cuts.

No. 2, interestingly enough, high-income Americans, the highest income Americans, the top 20 percent of Americans in income are paying a higher share—a higher share of American income—of the income tax burden of America than they did under the Clinton years.

No. 3, low-income Americans, those people who are in the bottom 20 percent who don't pay any income tax to begin with, are actually getting back from the Government in the form of direct subsidy through something called the earned-income tax credit more money than they received in the Clinton years.

So you have the situation where the Federal share of revenue taken out of the economy is back to its historic level: 18.2 percent. So we have a situation where the Government is getting more revenue, where the tax laws are becoming more progressive, and where the economy recovered, creating 5.7 million jobs.

Now, how did that happen, one might ask. How can we get more tax revenues if we cut taxes? How can the high-income people in this country be paying a higher burden of the taxes if we cut taxes? The other side of the aisle rejects that concept. They say: You just have to keep raising taxes. Raise taxes, raise taxes; you always get more revenue.

Well, it doesn't work that way. Something that—if you just think for a moment, it is pretty obvious—is called human nature intervenes. If you raise taxes to a level that people perceive is unfair, and especially if they are high-income individuals, they can afford to, and they do, figure out ways to avoid paying taxes by investing in things which give them deductions. So tax revenues don't go up dramatically if you raise revenues. In fact, the way you raise revenues is by making the tax burden fair. You make it fair so that high-income individuals pay those taxes and are willing to go out and invest in activity which generates income, which is productive and actually creates jobs, which in turn generates economic activity, which in turn generates more revenue to the Federal Government.

That is exactly what has happened as a result of the President's tax cuts. We are now at a fair tax burden, so people, rather than avoiding taxes, are willing to pay taxes. People are now willing to invest in taxable activity, and the Federal Government is benefiting from a robust recovery, there is job creation, and more people are paying more taxes, and the high-income people are paying even more in taxes.

I brought along a few charts to explain this more precisely. This chart reflects the fact that in the last 2 years—these are the revenues to the Federal Government, and these are the increases in revenues—in the last 2 years—this is the period when we had the Internet bubble and we had the 9/11 attacks, when the war began. This is where the tax cuts came into place. There was a dip in revenue as a result of the recession, the Internet bubble, and the 9/11 attacks, and then those tax cuts started to work, and people started to produce more economic activity, make investments, create jobs. As a result, in the last 2 years, we have the 2 highest years of increase in revenues of the Federal Government in the history of our Government—the 2 highest years. So there has been a big jump in revenues to the Federal Government, another result of which is that our deficit has dropped precipitously. It has gone from a $450 billion estimate down to $270 billion this year.

This chart reflects the fact that we are now back, after the recessionary event—well, the blue line reflects the historical level of the percent of gross national product that is usually paid in taxes: 18.1 percent. That is the blue line here. The black line represents how much we are spending as a government. The red line represents how much we are receiving as a government. You can see it goes up and down.

What happened was, in the Internet bubble, when people were manufacturing money basically through paper, there was a huge amount of revenue generated as a result of mostly capital gains. But when that bubble collapsed and when we were hit with 9/11, the economy dropped, and the incomes dropped. Down here is where we made the tax cuts, and then the economy started to come back. So now we are back at a historical level of revenues for the Federal Government. We are actually above the historical level right now. We are getting 18.2 percent of gross national product into the Federal Government.

A very interesting fact is that the high-income individuals in America today—these are the different quadrants, the different groups, people who make $15,000, people who make about $34,000, $51,000, $77,000. And then people making over $184,000—that is the high-end income earner in America.

Those folks are now paying almost 85 percent, essentially 85 percent of the Federal income tax burden; the high-income Americans. That is a pretty progressive system when you have the low-income people, those with $34,000 or less, actually getting money back, and the high-income individuals paying the top 20 percent paying 84 percent of the tax burden. That is called progressive taxation. That is after the tax cuts.

In fact, prior to the tax cuts, during the Clinton years—this is a chart of that top 20 percent—the high-income individuals during the Clinton years were paying 81 percent of the taxes, whereas now, under the Bush tax cut, they are paying 85 percent of the taxes. Again, I point out, if you think about it, this is actually just common sense. If you have a fair tax law, people who are in the high incomes, who have the knowledge, the ability, and accountants to invest their money in a way that either pays taxes or doesn't pay taxes—if they believe the tax burden is unfair, they are going to invest in a way that avoids taxes. They are going to buy interest-free bonds or buy highly depreciating assets. So they reduce their tax burden. But if you give them a fair tax burden, they are going to do things that are taxable, and that is good for the Government and actually it makes the tax law more progressive—a very important fact.

As I mentioned, low-income individuals under this President are actually getting a better deal now than they did at any time in the history of the country. This is the line, what low-income people pay. Actually, it is a payment to them because this would be the line where they would pay something. Since this President has become President, low-income individuals are receiving more in direct payments as a result of the earned-income tax credit and other credits which they receive than they ever received before.

You can compare this to the Clinton years. Low-income people, the bottom 40 percent of earners in America, basically received about 1.5 percent back in payments to them. They weren't paying any taxes. Under President Bush's tax plan they are getting almost 3 percent back. So we have created a tax system now which seems to be doing everything right in that it is generating a historical level of Federal taxes—how much we should take out of

the economy for Federal taxes; it is generating huge revenue for the Federal Government; the highest income people in America are paying by far the greatest share of it, 85 percent, much more than they paid in the Clinton years; and low-income Americans are getting a benefit from the tax rebates which we give them at the highest level in history and about twice what they got under the Clinton years.

Probably as important, if not most important, it has generated 18 consecutive quarters of economic growth. This has led to almost 5.7 million new jobs—and having a good job is the key to economic prosperity.

What we have accomplished is pretty impressive with these tax cuts. Yet we continue to hear them be vilified by the Democratic Party and our liberal colleagues. They just want to keep raising rates. They want to go back to the Clinton years when they would raise rates and thus reduce the amount of taxes that the high-income individuals would pay because they would invest in shelters or find ways to generate income that were not as taxable. As a result, it also impacted low-income people because under the Clinton years we actually had low-income people getting less benefit. It probably significantly reduces this economic recovery which is a direct result of the fact that there is a tax burden today which creates an incentive for the person who is willing to take a risk, an entrepreneur, that person who has a great idea, that man or woman who says: I want to go start a restaurant. I have an idea I want to try out to build and sell. That individual who is a risk taker and a job creator has a tax climate which says: If you are successful, we are going to give you a benefit. That would be curtailed.

The other side of the aisle, my liberal colleagues, they want to raise the tax on capital. They want to raise the tax on dividends. They want to raise the tax on income. All of those things are going to have the practical effect of stifling economic growth, stifling revenues to the Federal Treasury, and undermining the entrepreneurial spirit of America and the effective use of capital, which is a bit of an economic argument, but it should be pointed out.

When you maintain a low tax burden on capital—capital being savings and things people are willing to invest with, money people are willing to invest—that money flows to its most efficient use. But if you put a high tax on capital and savings, people put it in places where it is not efficiently used. They put it into tax shelters to put it in hard example terms. If you are an entrepreneur and you are going to go out and start something and you have a 15-percent tax rate on capital, you are going to take a risk. You are maybe going to invest in building that new software or that new computer technology system or starting that new restaurant with that money. You are going to invest. But if you have a 30-percent tax—which is what the Democratic Party and our liberal colleagues want to return to, on capital—you are going to say to yourself: I don't want to pay that much in taxes, so I am going to invest in a tax shelter. I am going to invest in something that probably doesn't make a whole lot of money, but at least it saves me taxes.

It is not an efficient way to use money, and it is not an efficient way for an economy to run and it skews investment arbitrarily, which is totally inappropriate and counterproductive and would certainly not lead to these types of numbers where you have economic growth for 18 quarters, where you have 5.7 million jobs created.

We have the Federal Treasury with the two largest tax revenue years, two largest years of revenue in the last 2 years, where you have the highest income people in this country paying the largest share of Federal taxes in the history of the country, 85 percent; where you have the lowest income people paying no taxes and actually getting more back as a result of credits and benefits under the tax law than at any time in history. And where you have an incentive, most important, for the entrepreneur, who is the essence of America's economic strength, to go out and take risks, invest, and create jobs.

The numbers are in. This hyperbole we hear from the other side of the aisle—which is a function of 1950s-Galbraith-Harvard University economics which says, if you just keep raising taxes on people you are going to get more revenue—a stake was put in that by John Kennedy when he cut taxes. Another stake was put in that concept by Ronald Reagan when he cut taxes and got economic growth. And certainly the final stake has been put in it by the fact that we have cut taxes, we have a fair tax system now which incentivizes people to go out and be productive and causes them to be willing to invest in things that generate revenue, thus creating jobs. So that idea doesn't work.

It only makes sense probably if you are a former theater critic who happens to be an editorial writer for the New York Times. There is no economic theory that can stand up any longer because it doesn't work. The tax burdens, as are shown by the numbers in this country, are pretty close to where they should be because we are generating huge growth, huge revenues, and we have an extraordinarily progressive system of taxation where the highest earners pay the most.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized for 20 minutes.

Mr. DORGAN. Mr. President, I didn't come to the floor to speak about our economic situation, but I get so inspired by my colleague from New Hampshire that it is hard not to respond to at least a portion of it. Let me just make a comment about where we are with this economy of ours because the implication in the presentation was, boy, these tax cuts for wealthy Americans really did help this country.

In 2004 the economy grew at 4.2 percent. Yet the median family income in this country fell and poverty increased. This is the first sustained period of economic growth since World War II that fails to provide real income growth for the average working family in this country. The fact is, wages and salaries are now at a lower percent of the GDP in this country than they have been since they started keeping score in 1947; some progress for working people.

I admit, the folks at the top of the ladder are doing really well because the economic program provided by the majority and by this President says ''let's provide the largest tax cuts to the wealthiest Americans because we believe it will all trickle down someday to the rest of the American people.'' But, it will not and it has not and, regrettably, we now have a dramatic increase in indebtedness. We are going to borrow close to $600 billion in the coming year in budget policy and $800 billion in trade deficits. That is a total of $1.4 trillion in a $13 trillion economy. So, that puts us over 10 percent of red ink in a single year.

This is working real well? I'm sorry, that doesn't even pass remedial economics. That is not why I came to the floor to speak, but it is hard to ignore cheerleading for an economic policy that has put this country up to its neck in debt, hurt working families, and enriched the most wealthy Americans.

I came to the floor today and asked for some time because I wanted to talk about what I have been seeing in the newspapers and what I read this morning in the newspaper. The President, yesterday, went on another political trip, and the President, in Alabama, said that the party of Franklin Delano Roosevelt, the Democrats, are the cut-and-run party. That follows Congressman HASTERT, the Speaker of the House, suggesting Democrats are coddling terrorists. That follows comments by the majority leader of the House, Congressman BOEHNER, suggesting that Democrats care more about terrorists than the American people.

This stuff is way beyond the pale. Cut and run, the President says? Cut and run? What kind of talk is this? I don't understand that. Is someone in this Chamber suggesting that we cut and run someplace? Not that I am aware of. Not one person I know of is suggesting we cut and run.

But it would be worth us talking about whether our fight against terrorism is a fight that is tough and smart because I don't believe the current fight is very tough or very smart.

You know, it is probably useful for us to review some history. So, let me do a bit of that, since the President is suggesting that his party is the party that

is muscular and the other party is weak.

Winston Churchill once said: The farther back you look, the farther forward you see.

Let's look back, August 6 in 2001. On August 6, 2001, the President received what is called a Presidential Daily Briefing which said that ''Osama bin Laden was determined to strike in the United States.'' That was the heading of the briefing received by the President: ''bin Laden determined to strike in U.S.''

Here is what the 9/11 Commission report said, and I will give you the page numbers. After that briefing to the President on August 6 of 2001, ''bin Laden Determined to Strike in the U.S.,'' here is what the 9/11 Commission said they found, on page 260: The President, ''did not recall discussing the August 6 report with the Attorney General, nor did he recall whether his National Security Adviser, Condoleezza Rice, had done so.''

On page 261, the 9/11 Commission found that the President's National Security Council never met to discuss the possible threat of a strike in the United States as a result of the PDB that said ''bin Laden Determined to Strike in U.S.'' Imagine that, the President was told, on August 6, 2001, that ''bin Laden determined to strike in the United States'' and nothing was done.

In fact, the 9/11 Commission found, on page 262, no indication of any further discussion before September 11 among the President and his top advisers regarding the threat of an al-Qaida strike in the United States.

The Director of Central Intelligence, George Tenet, page 262, did not recall any discussions with the President of the domestic threat in the weeks prior to 9/11.

Finally, it says this, page 265 of the 9/11 Commission report:

> In sum, the domestic agencies never mobilized in response to the threat. They did not have direction, and did not have a plan to institute. The borders were not hardened. Transportation systems were not fortified. Electronic surveillance was not targeted against a domestic threat. State and local law enforcement were not marshaled to implement the FBI's effort. The public was not warned.

Those are the facts of what was and was not done by the President and his advisors after they were warned on August 6, 2001 that ''bin Laden was determined to strike in the United States.'' Those are not my facts, but the facts on the record from a bipartisan commission that investigated following the specific warning of August 6.

Now the President is saying, ''Cut and run.'' Let me describe a bit more history. The President and his advisers also said there were weapons of mass destruction in Iraq. We now know they were not. There were no weapons of mass destruction in Iraq.

He said the aluminum tubes were being purchased to reconstitute nuclear capability in Iraq. We now know those who told us those were facts knew that there were other facts at hand inside the administration that disagreed with their conclusion, but they never saw fit to offer that to the Congress or the American people.

Mobile chemical weapons labs, we were told, were a significant threat. The development of mobile chemical weapons labs in Iraq, we now know, came from a fellow code-named ''Curve Ball.'' He was the only source. One source. A man named ''Curve Ball,'' apparently someone who is probably an alcoholic and a fabricator. A single source tells this country there are mobile chemical weapons labs in Iraq, and this country, through the Secretary of State, tells the world that it's a fact. Yet, it turns out to be a fabrication. One source, a drinker and a fabricator, told someone about it and it becomes part of this country's national dialog.

Yellowcake. I don't need to go much further about yellowcake from Niger which turns out not to have been true either, with forged documents, mind you.

And Mohammed Atta, one of the hijackers, in Prague, turns out not to have been true.

As a result of all of that, the war on terrorism took a detour and we went to Iraq. We are now in Iraq. Saddam Hussein was found in a rat hole. He is now on trial. Is that good? Sure, it is good. He was a repressive, brutal dictator who murdered people. Sure, that is good that he's out of power.

We are now in the middle of a civil war. Yes, we can describe it that way, probably a low-grade civil war, but a civil war in Iraq. That is where we have American troops stationed at present. And the President just says, stay the course. If anyone suggests, maybe we ought to have a discussion about being smarter and tougher in winning that war, the President says you believe in cutting and running. Being at war deserves thoughtful debate, thoughtful debate about how to win that war, about the detour from the war on terror. Just saying cutting and running, that is thoughtless debate, in my judgment.

Stay the course? Stay the course? How? Where? When? For what? The fact is, it is a mess. We have ourselves in a mess. We cannot pull American troops out of Iraq. None of my colleagues, I believe, have suggested we should. None that I am aware of have suggested we should.

But stay the course? Shouldn't we be smarter, tougher, more effective, and make course corrections when necessary? Course corrections that will give this country a chance to succeed rather than fail? We have debates about wiretapping in the context of all of this because the President has decided he is going to speak about Iraq in the same context as the war on terrorism. Of course, they are different. They are related somewhat now because we went to Iraq, but they were different. So the President talks about wiretapping. I am for wiretapping conversations between al-Qaida and the United States.

I say, wiretap, eavesdrop, find out what terrorists are saying. But no President, no Republican and no Democratic President, ought to have the right to indiscriminate eavesdrop and wiretap on all Americans.

We do not even know what this has been about. We do not know how extensive it has been. We don't know how many Americans have been listened to, how many records have been looked at. Yes, let's wiretap and find out what al-Qaida operatives are saying in telephone calls. Let's also protect the basic liberties of this country as we do so.

Last week, we had three people testify before a policy committee hearing, with a combined service to this country of over 100 years. They were all combat veterans from Iraq. They led our troops. Two generals, two-two star generals and a colonel. One of the two star generals was offered a promotion to a third star and had a bright promising future, but he turned it down and resigned. He did that because he could no longer serve under the Secretary of Defense and follow a flawed strategy and policy.

Here is just one example of what they said. They repeatedly asked for more troops in Iraq. As commanders of their units they repeatedly asked for more troops and repeatedly were turned down.

That is at odds with what we, all of America, were told all along the way by GEN. Tommy Franks and General Myers. That is also at odds with what General Pace has stated standing next to Secretary Rumsfeld and standing next to President Bush. These Iraq combat veterans said we repeatedly asked for more troops. We needed more troops to finish the job and do the job, to prevent the growth of the insurgents in Iraq, and we were repeatedly denied. That is at odds with everything the American people have been told.

That's not all. Body armor? A young man told me he signed up to go to Iraq, felt it was his duty after 9/11, quit school to do it, and when he gets there his mother, an elementary schoolteacher, had to go online on the Internet to purchase body armor to send to her son in Iraq.

Colonel Hammas said, we know we have better armored vehicles to protect our soldiers than the up-armored Humvees. We know we have better armored vehicles. We have already produced 1,000 of them. Why are we not mass producing those vehicles? At the end of World War II we were producing 50,000 airplanes a year to support that war. This country mobilized and said, we are in a war, we are going to win it, we are going to produce what is necessary to support our troops, to protect our troops. Right now, we have better armored vehicles, but we are not producing them. We have not marshalled this country to fight this war, to protect our troops, to win. We have not mobilized this country.

Don't believe me, talk to the generals who have been there, who now are risking their reputations by being willing to speak out now on behalf of the troops who can't speak, who can't tell us these facts.

There is an old saying, ''A lie travels halfway around the world before the truth gets its shoes on.'' But finally the truth is getting fully dressed. We need the truth and the facts to understand what this country confronts. This country has great capabilities. We should be one nation indivisible. We are not these days. There is too much shouting. There are too many slogans like cut and run.

We should be one nation as we confront this terrorism that threatens our country. We should be one nation as we search for ways to deal with the conflict in Iraq and to protect American soldiers who are there on behalf of their country.

Most importantly, we need to be tough and smart as we take on these challenges. This is a new war, a different war, the war against terrorism and the circumstances that our troops find themselves in, in Iraq, fighting a war against an insurgency that doesn't wear uniforms. This requires us to be smart and tough, requires us to change tactics and strategy when necessary and to have a national discussion about how we succeed as a country.

Yet this President will hear none of it. He will not hear and he will not listen. He is content to go to Alabama and say that those who openly question anything he does are people who suggest we should cut and run. I regret that.

What we need to do, it seems to me, is to accept advice from some of the best minds in this country. Bring people together, Republicans and Democrats, conservatives and liberals, academics and others, bring them together and let's get the best of what everyone has to offer instead of the worst of each.

Let's bring people together in this country. Let's stop this nonsense, one side is coddling terrorists, one side wants to cut and run. That is a playbook we have heard before. It is tired. It is limp. It makes no sense. It divides this country.

I ask the President, the Speaker of the House, the majority leader of the House and others, stop this sort of thing. Let's join together and work together to find ways to solve problems; to, as I said, be smart and tough in ways to defeat terrorists, take on these terrorists as one nation.

If I sound upset by what I read in the paper today, I am. I don't think it is worthy of the kind of debate we ought to experience in this country.

We have seen it twice leading up to the last two elections. We saw the fellow who lay on a battlefield losing one arm and two legs bleeding for his country. We saw him tarnished in television commercials. Political commercials equated him with Osama bin Laden, questioning his courage and commitment to his country. It made a lot of people sick to see that sort of thing.

Maybe we can have a national debate that elevates the discussion of this country a bit. Maybe we can have a national debate that sets a little higher tone. I hope so. We can agree that this country is in a tough fight, one we need to win. We will not win this fight if we have these kind of political tactics continued again, one more time, the next 30 days before the election, the third election in a row questioning someone's patriotism, questioning someone's commitment to their country.

They did that even with the generals. The general, the two-star general who refused a third star and resigned instead, who commanded the first infantry division in Iraq, had his commitment to his country questioned. Why? Because he had the temerity to speak out, to say, ''I was there. I was leading my troops, I was asking for more troops and I was turned down.'' People need to know that.

We shouldn't be questioning the motives or patriotism of people who have committed themselves to their country, who have dedicated their lives to their country, our country.

Let's elevate this debate. Let's come together. Let's act as one America. And let's fight these terrorist groups. Let's succeed and prevail, together.

Yes, let's find a way to accomplish our objectives in Iraq. Let's do that. If it takes more troops, let's do that. If it takes a different strategy, if it takes changing the course, let's do that.

But let's do it together. Let's not get on Air Force One and go to a State six or eight States away and suggest that your political adversaries want to cut and run. That hardly serves thoughtful debate in this country. This country deserves better. Democrats and Republicans need to come together and speak out and speak up for the interests of this country.

But, to do that, we have to listen to each other. We have to listen to people like the generals. We have to listen to people who might disagree with us. We can't be stubborn. That's the only way, together, we will win against the terrorists.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized, under the previous order, for 15 minutes.

Mrs. CLINTON. Thank you, Mr. President.

RYAN WHITE CARE ACT

Mrs. CLINTON. In 1990, Congress enacted a law that has been a vital part of our national strategy to fight AIDS and HIV, the Ryan White CARE Act, which directs support and resources to the people and places most in need throughout our Nation.

It was an incredible act of compassion, smart decisionmaking, and bipartisanship. Members in this Chamber put aside politics, recognized the seriousness of the crisis, and took action.

How far we have come. Unfortunately, though, the recent debate around the Ryan White CARE Act has been marred by misconceptions and mired in politics. It is time to set the record straight.

First, some of my colleagues have alleged that New York receives more funding per case than the national average, suggesting that New York is somehow getting more than its fair share. But the numbers I heard being used on the Senate floor yesterday only represented part of the funding under the Ryan White CARE Act, skewing the data to make a political point.

When you look at the whole picture and see the funding under the whole bill, the story is very different.

According to an analysis prepared by the Communities Advocating for Emergency AIDS Relief Coalition, the CAEAR Coalition—as seen on this chart—the national per case allocation for people with AIDS is $4,745.

Here is the State-by-State breakdown. New York is by no means at the top. This analysis does not even account for the higher cost of living and treatment in my State.

Some of my colleagues have cried foul saying they get far less per person with AIDS than New York. I heard my friends and colleagues from Wyoming and Alabama making that point. But here are the facts, and they say otherwise.

When you look at all of the titles under the Ryan White CARE Act, Wyoming and Alabama actually receive more per person with AIDS than New York and more than the national average. The difference between Oklahoma and New York is about $100 per person living with AIDS. And, again, these numbers do not account for differences in costs.

Second, there are those making misleading statements about my State, that we misuse funding, or do not use the funding we receive, claims that are simply not true. Some have even asserted that New York has allowed dog walking to count under the CARE Act.

Well, let me set the record straight. New York is not using Federal dollars for such services. And to point fingers and make such outlandish assertions impugns my State and is profoundly unfair to the thousands of New Yorkers who rely each and every day on the CARE Act for treatment and needed services.

New York has been audited by the HHS—the Health and Human Services—inspector general. They said New York complies with all requirements and is not misspending or mismanaging its funds.

Another specious claim is that New York is somehow not even using the funds we receive, that we retain surpluses every year. Well, being fiscally responsible is good management.

In New York, a tiny percentage of unspent funds is carried from one year to the next. This year, New York carried about $3 million over, representing about 3 days' worth of expenses. That is exactly what I want States to do—manage resources wisely and avoid interruptions in care or create waiting lists. I don't believe sound fiscal management is something to denigrate.

Third, we are having a debate now over a shrinking pot of funding, at a time when I absolutely agree that more and more States have greater and greater needs. But to argue about the formula instead of arguing about the program and what it needs to be funded appropriately seems like a diversion. We are having a formula fight when we should be focused on fixing our strategy and strengthening our funding to meet the growing challenge and crisis of HIV/AIDS in America. That is the real debate we should be having on the floor of the Senate.

Here is a chart that shows the increase of people living with HIV/AIDS in the United States. That is this red line here. It shows the decline in funding for title I of the CARE Act. So you can see the disparity. I have a great deal of sympathy for my friends from States that are just realizing the full extent of the AIDS crisis in their communities, who are deeply concerned by the fast-growing number of such cases among poor women and among our African-American and Hispanic populations. But here is part of the reason we are in this dilemma. Here is the number of AIDS cases, and here is the amount of funding available to deal with them.

Instead of honoring our moral obligation, instead of strengthening our efforts as the epidemic continues to grow, State and local agencies and community groups have been forced to do more with less. This is especially true in New York, the State that has been hardest hit by the AIDS epidemic. Back in the 1980s and 1990s, people were moving from other States to be able to come to New York, where they thought somebody would care enough to try to take care of them. And New York still leads the Nation in both the number of overall HIV/AIDS cases as well as the number of new HIV infections each year.

What is this fight about? Well, I will tell you. New York stands to lose more than $78 million in funding over the next 5 years. We would see New York City alone lose $17 million next year. But we know who would really lose—the patients whose health and lives are on the line.

With the exception of the AIDS Drug Assistance Program—which still doesn't go nearly far enough, given the long waiting list for the poorest and sickest of those who cannot afford the drugs they need to stay healthy and alive—the CARE Act has been cut over the past 3 years, even as costs and the number of people with the virus have risen, adding to the pressure on New York, New Jersey, and other States with higher costs of living and the largest numbers of people living with HIV/AIDS.

In addition, the Ryan White CARE Act is the payer of last resort; it is the safety net for the safety net. And this Congress and the administration have spent years trying to cut big holes in both. In fact, the CARE Act is only part of the strategy against this terrible disease. The Medicaid Program serves nearly half of those living with HIV/AIDS in America. This Republican Congress and the Republican administration have tried time and time again to cut Medicaid and have succeeded in passing drastic reductions.

I have introduced bipartisan legislation with my colleague, Senator GORDON SMITH, the Early Treatment for HIV Act. This legislation would provide Federal funding to extend Medicaid eligibility to low-income Americans living with HIV before they develop symptoms, allowing them to access life-extending medical services.

There are those suggesting that somehow the epidemic has changed, trying to pit one part of the country against another, trying once again to divide us. My Republican colleagues have told me there is not enough money to prevent cutbacks for New York and other States that lose under this proposed formula. Nine States, plus Puerto Rico, lose, and every other State makes gains. So, in effect, you want to take money away from my 100,000 people living with HIV/AIDS and give it to worthy people in other parts of the country because this administration and this Congress won't put more money into funding treatment programs for HIV/AIDS.

My colleagues on the other side still refuse to provide us with a guarantee—at a time when the epidemic continues to grow—that New York and other States facing losses will not lose out, a guarantee meant to make sure people dying with AIDS have the treatment they need.

The White House and Republican leadership in the Congress are cynically pressuring many of my colleagues that if they don't reauthorize the bill this year, they will face cuts in funding next year. But approving a fundamentally flawed bill, under pressure, that will end up hurting people living with HIV/AIDS is the wrong thing to do. We should be working to strengthen the CARE Act for everyone.

I will also address the question of the expanding epidemic. There is no doubt that it is growing—40,000 new HIV infections occur every year in the United States, and they have a disproportionate impact on people of color. In my State, African Americans account for 45 percent of the total population living with HIV/AIDS, while Hispanics account for an additional 29 percent of the cases. But this bill cuts funding for both of them. Groups such as the National Minority AIDS Council, the Hispanic Federation, and the Latino Commission on AIDS have expressed concern over these cuts which would limit access to care for far too many people of color and people of modest, limited means.

We are also seeing the infection rate rising among women. In New York alone, over 30,000 women are living with HIV/AIDS. Women would also be shortchanged under the latest version of the CARE Act. Indeed, the version of the bill my colleagues want to bring up would flat-fund what is called title IV—the very program designed to address the needs of women, infants, and children, the populations so many have come to this floor and spoken about so eloquently.

Let's put our money where our mouth is. Let's put money into this program so we are not picking between a poor African American in New York City and a poor African-American woman in Alabama.

The epidemic is spreading. When people talk about the South, they are talking not only about Alabama and North Carolina but Washington, DC, Texas, Florida, and Maryland, which are the places that have been the hardest hit by this epidemic. Texas and Florida alone account for about 20 percent of people living with AIDS. Yet Florida, too, would lose money under this proposal.

If we decide to meet the growing AIDS epidemic in our Nation, I hope we can look at the facts about how the program works now and try to come to a bipartisan solution that covers the entire country's needs and leads to a real solution, not a political one. We know there are solutions. Those of us representing the States that are going to be giving up money so money can be shifted to take care of other people who are worthy and deserve help have proposed solutions.

This is not about politics. This is about how we help people. My colleagues from New York, New Jersey, Illinois, and Florida have proposed a 1-year extension for the Ryan White CARE Act. So let's extends it for a year and figure out how we can fix it. I think we could raise the authorization levels across the titles by 3.7 percent and set up a grant program to address unmet needs of States that do not receive title I funding in order to address the challenge in rural areas where HIV incidence has also increased. Our proposal would delay penalties for those who cannot meet the HIV reporting requirements and give them time to come into compliance with the CDC.

As a Senator from New York, which has experienced the heaviest burden of the AIDS epidemic, I don't think anyone cares more about this legislation. I understand completely the profound importance of the Ryan White CARE Act. I am committed to the reauthorization of a good bill that strengthens and improves the ability of all Americans to access HIV/AIDS care, support, and treatment. But a bill that destabilizes existing systems of care and

devastates, even destroys, the ability of high-prevalence communities to address needs is unacceptable.

I stand ready to work with my colleagues on a fair, openminded, nonpartisan, practical solution—in the spirit of the original bill that brought people together to develop a strategy to combat this horrible epidemic that has caused so much death and destruction, destroyed so many lives, created such a challenge to our health care system and our basic values.

Mr. President, we can do this if we really want to. All it takes is narrowing the gap between these two lines on the chart—HIV/AIDS cases and the amount of funding available. Some of the priorities on which we are asked to vote in this Chamber certainly don't reflect the pressing needs I have heard described in this Chamber. I hope we can come up with a real solution for the Ryan White CARE Act.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

BREAST CANCER AND ENVIRONMENTAL RESEARCH ACT

Mr. CHAFEE. Mr. President, I rise today to speak about a disease that has touched many American families. Breast cancer is the second leading cause of cancer deaths among American women. More women are living with breast cancer than any other cancer.

Three million women are living with breast cancer in the United States, 2 million of which have been diagnosed and 1 million who don't know they have the disease. Over 40,000 women will have died from breast cancer this year alone. It is the leading cause of cancer deaths among women between the ages of 20 and 59.

What is the Senate doing about breast cancer? Some of you may know that I have a bill, S. 757, the Breast Cancer and Environmental Research Act. This bill was first introduced on March 23, 2000, in the 106th Congress. Since that time, the bill has been introduced in the 107th Congress, where it had 44 bipartisan cosponsors and was on the verge of being included in the Women's Health Act of 2002 when negotiations broke down. In the 108th Congress, the bill again had tremendous bipartisan support, with 60 cosponsors. But again we did not act on the bill, which brings me to the current situation in the 109th Congress.

The bill now has 66 bipartisan cosponsors in the Senate and 255 cosponsors in the House. Thanks to the support and leadership of Chairman MICHAEL ENZI of the HELP Committee, this bill was reported unanimously by the committee on July 24, 2006. The bill was hotlined for floor consideration before the August recess, but it has not received Senate passage.

We as a Senate are denying millions of American women diagnosed with breast cancer the answers that might lead to a better understanding and perhaps a cure to this disease.

How can a bill with 66 cosponsors that was reported unanimously by the HELP Committee not be taken up and approved by the Senate?

This bill provides a targeted strategy and a long-term research investment needed to explore the links between the environment and breast cancer. Millions of women who are afflicted with breast cancer deserve the answers this legislation could yield.

I urge my colleagues to work with me to remove any obstacles and secure passage of the Breast Cancer and Environmental Research Act.

I yield the floor.

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

UNANIMOUS CONSENT REQUEST—S. 757

Mrs. CLINTON. Mr. President, will the Senator from Rhode Island, with whom I agree 100 percent, join me in a unanimous-consent request to pass this bill right now?

Mr. President, I ask unanimous consent that we pass S. 757, the Breast Cancer Environmental Research Act of 2006.

The PRESIDING OFFICER. On behalf of another Senator, in my personal capacity as a Senator from the State of Louisiana, I object.

There is objection heard.

Mrs. CLINTON. Mr. President, I join my colleague in expressing great regret that once again the women of America have been blocked from having the additional help that this bill would provide. I applaud those of us who have tried on a bipartisan basis to pass this very important bill to increase research between the possible links of breast cancer and the environment and to include peer review grant programs within the National Institutes of Health and make sure that consumers and researchers and victims of breast cancer are part of determining how we spend money in order to try to prevent, treat, cure, and ultimately abolish the horrible disease of breast cancer.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Arizona is recognized. Under the previous agreement, the Senator is recognized for 15 minutes.

BORDER SECURITY

Mr. KYL. Mr. President, I shall not take that much time, but I do think it is important to speak to the issue before us, which is adoption of the House bill which takes another step toward securing our border. This is something the American people have been wanting us to do for a long time.

What we will also be doing today, in fact, some of our actions in the past weeks have also supplemented, is to pass the money, the appropriations bills that we need to fund all of the things that we need to be doing to secure the borders. I will speak to both of those items.

The key to the House bill is to state a commitment that we are going to put the kind of infrastructure on the border that we need to secure the border. It starts with fencing, but it doesn't end with fencing. It includes vehicle barriers because much of the illegal entry into the United States now is accomplished by vehicles. It includes technology, such as cameras and sensors and other means of identifying people who are crossing our border illegally.

Some people say that we don't need a fence or these infrastructure barriers because someday we are going to adopt comprehensive immigration reform, and when we take away the magnet of illegal employment, then we are not going to have the problem anymore. That is my fervent hope with respect to the people who cross the border to gain employment here. But the sad reality is that even if we solve that problem—and we haven't gotten very far down the road because we haven't adopted comprehensive immigration reform yet—even if we were to accomplish that in the future, we still have a very high percentage of people coming across the border whom we don't want here no matter what.

What am I speaking of? I am speaking of drug dealers, drug cartel members, gang members, and criminals, people wanted for crime, people who have committed crime, much of it very serious crime. As a matter of fact, before the subcommittee I chair on terrorism and homeland security, the head of the Border Patrol testified a few months ago that over 10 percent of the people apprehended for crossing our border illegally have criminal records, and many of these are serious criminal records.

In fact, the statistics for this fiscal year, which is almost over, show that the percentage is closer to about 13 to 14 percent, and of those a significant number have committed serious crimes.

Here are the statistics year to date: Over 1 million illegal immigrants have been apprehended on the southwest border. Of that number, almost half have come through Arizona, the Yuma and Tucson sectors, so far about 475,000. And of the illegal immigrants apprehended crossing our border to date in this fiscal year, 141,000-plus have criminal histories. Of that number, well over 20,000 are considered to have committed major crimes such as homicide, kidnapping, sexual assault, robbery, assault, dealing in dangerous drugs, and the like.

A fence, barriers to illegal entry into this country are important not just to ensure that we enforce our laws with respect to employment but to keep out people who would do our citizens harm. The papers in my State are full of stories every week of people who came to this country illegally and then committed crimes on citizens of the United States and on other illegal immigrants. It is not at all uncommon to see stories

of crimes committed against people who just came here for a better way of life but who were assaulted, who were robbed, who were kidnapped for more ransom so their families back home would have to pay money to these coyotes, or kidnappers, and all manner of heinous crime that we have to stop, we have to prevent. And the best way to do that is to have barriers to illegal entry into this country.

I mentioned vehicle barriers. Fencing is important and this legislation from the House requires the Department of Homeland Security to begin building fences. I talked with the Secretary this morning. That project has already started. They are well on their way in constructing fencing, and we will be appropriating the money for even more of that construction in the future.

But we also have to put up vehicle barriers because more and more now with the territory contested, the illegal entry into this country either to bring drugs in or the human smugglers to bring their cargo, as they call it, requires the use of vehicles.

Here is the problem from the Border Patrol perspective. When they see a vehicle, they know they have trouble because it is a more valuable cargo. One can carry more in a vehicle than in a backpack and, therefore, it is more valuable and they are probably going to protect it. If they are going to protect it, it is probably going to be with weapons.

The number of assaults on the border are up dramatically—108 percent last year according to the U.S. attorney for the District of Arizona. The reason for that is that the Border Patrol is finally beginning to gain control of parts of the border. They are contesting the territory of the drug cartels and the coyotes and dangerous gangs from places such as El Salvador. As a result, there is much more violence, and it is causing real problems for the Border Patrol.

That is the bad news with the good news. We are gaining more territory, more control, but with that comes more violence. Eventually, of course, the control will be consolidated and the violence will go down. But the point is that it is important we demonstrate to the American people that we are serious about gaining control of our border, and it can't be done without more fencing.

Let me describe just a little bit what we mean by this fencing because there is some misinformation about it. In Arizona right now in the urban areas south of Yuma, around San Louis, in Nogales, Douglas, and some of the smaller communities, there is some fencing. Much of it is a very old and ugly barrier. It is steel plates that were used in World War II and, I suppose, Vietnam for landing mats in the jungle to make temporary landing strips for aircraft.

They stand those steel plates on end and imbed them in concrete. It is a very ugly wall. You can't see through it, obviously, and that is a problem for the Border Patrol. They would like to see who is massing on the other side and what is going on so they can prevent it.

Part of the money we will be appropriating will be to replace that wall. It is hard to maintain it, and it is better to build with more modern technologies, sensors embedded in them, and the like. Part of this will be to replace this deteriorating and ugly fencing. Another will be to imbed sensors in the fence so when we have fencing 20, 30 miles outside a community—most of the fencing is in the urban areas where most of the people are. But if we extend it to some of the smuggling corridors, let's say 20 miles outside of town, we are also going to want to get the Border Patrol to a site of a breakthrough or an attempted crossover of the fence.

No fence is impervious to people getting through if they have enough time and equipment. That is the key. It slows them down. What we have to have is Border Patrol units that can get to anyplace along the fence in a reasonable period of time, perhaps 10, 15 minutes, or else it will not do any good. If the fence is being tampered with or someone is trying to go over or under it and the Border Patrol is no more than, say, 10 minutes away, that fence stops people long enough for the Border Patrol to get to the site and either prevent the illegal entry or apprehend the people coming in.

So we have to have Border Patrol along with fencing, and that means we also have to increase Border Patrol. What are we doing in that regard? We are appropriating enough money for another 1,500 Border Patrol this year, which will take us up to well over 14,000, approaching 15,000, and that is another critical component of this legislation.

Vehicle barriers, fencing, sensors, Border Patrol units, and in those places where it doesn't make sense to have a physical fence, we can have cameras—one person stationed in a control room which can monitor maybe 20 different cameras, and any time they see people massing on the other side of the border, they can simply call up the Border Patrol in the area closest, making sure they get to that site in time to apprehend the individuals crossing illegally or to prevent the crossing.

All of this can be done. We simply need to appropriate the money and to grant the authority and the direction to the Department of Homeland Security to get the job done.

I am advised by the Secretary that this fencing is already under construction and that he can move to a much more aggressive schedule. Obviously, we need to do it in a cost-effective way, and he needs to have the discretion of sequencing what fencing goes where when, when vehicle barriers are better than fencing, or cameras would do the job, and so forth.

With the direction of Congress to get this done, and his commitment to get it done, I am persuaded we can make a big dent in getting control of our borders. That is what we committed to the American people we are going to do.

The key point I want to say today is that I am going to be very pleased when we are able to adopt this legislation. No one should think that it is the end; rather, it is the end of the beginning. The beginning step is to secure the border, and with this direction, with this bill, we will have nailed in place the direction to the Department of Homeland Security. If we continue to adopt the appropriations that we have begun to adopt to spend the money on all the different items I talked about, if we put our money where our mouth is—and we are doing that—then we will be able to demonstrate to the American people that we care, that we have answered the basic question that they always ask me, which is: Why should we adopt some new legislation when the Federal Government isn't enforcing the laws we have? This demonstrates to them that we are enforcing the laws we have, that we are committed to that enforcement. Then we can go to the American people and ask for their support and their consensus on the next step, which will be comprehensive immigration reform to deal with the problem of illegal hiring, to have electronic verification of employment, to have a temporary worker program that really works because it is for temporary employment only, not permanent employment, and finally, to deal with the illegal immigrants who are here already.

All of those items need to be done, and the sooner we get about it the better. But the place to start is by securing the border, and the place to start with that is the construction of fencing and other barriers to prevent illegal entry.

I am pleased the House has passed the bill. I am pleased that we are going to be passing the bill tonight. I urge my colleagues to support this measure whenever the hour comes that we actually get to vote on it.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

RYAN WHITE CARE ACT

Mr. COBURN. Mr. President, it is my understanding this is the minority's time. Senator BYRD is coming to the floor, and they graciously granted me time to talk.

I wish to address a couple of issues that were raised by the Senator from New York as to the accuracies of the claims that have been made. I think it is real important.

I don't doubt for a minute that she genuinely cares for everybody who has HIV in this country. I think she does. I think her perspective on the challenges that face us as a nation in terms of finances is different from mine, and I will grant her that as well. But some of the claims made are not really accurate.

I ask unanimous consent to print in the RECORD an article from the New

York Times stating specifically money was spent on walking dogs for HIV/AIDS patients, art classes, tickets to Broadway shows, free legal services, haircuts, things that other people can't do in any other place other than New York and California.

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

[The New York Times, November 12, 1997]

NEW CHALLENGE TO IDEA THAT 'AIDS IS SPECIAL'

(By Sheryl Gay Stolberg)

Behind the swinging glass doors that welcome visitors to the Gay Men's Health Crisis is a world where H.I.V. is not just a deadly virus, but also a ticket to a host of unusual benefits.

At the center, the nation's oldest and largest AIDS social-service agency, almost everything is free: hot lunches, haircuts, art classes and even tickets to Broadway shows. Lawyers dispense advice free. Social workers guide patients through a Byzantine array of Government programs for people with H.I.V., and on Friday nights dinner is served by candlelight.

The philosophy underlying the niceties and necessities is ''AIDS exceptionalism.'' The idea, in the words of Mark Robinson, executive director of the organization, is that ''AIDS is special and it requires special status.'' That is a concept that has frequently been challenged by advocates for people with other diseases.

Now some advocates for people with AIDS are quietly questioning it themselves.

With death rates from the disease dropping for the first time in the history of the 16-year-old epidemic, the advocates suggest, it is time to re-examine the vast network of highly specialized support services for people with H.I.V. Some people are growing increasingly uncomfortable with the fact that the Government sets aside money for doctors' visits, shelter and drugs for people with AIDS but that it does not have comparable programs for other diseases.

''Why do people with AIDS get funding for primary medical care?'' Martin Delaney, founder of Project Inform, a group in San Francisco, asked in an interview. ''There are certainly other life-threatening diseases out there. Some of them kill a lot more people than AIDS does. So in one sense it is almost an advantage to be H.I.V. positive. It makes no sense.''

Mr. Delaney, a prominent voice in AIDS affairs since the onset of the epidemic, is calling on advocates to band with people working on other diseases in demanding that programs for AIDS be replaced with a national health care system.

He complained that organizations like the Gay Men's Health Crisis had been ''bought off'' by the special status given to AIDS.

''We took our money and our jobs,'' Mr. Delaney wrote in the Project Inform newsletter in the summer, ''and we dropped out of the national debate.''

That criticism has not won many fans within ''AIDS Inc.,'' as some call the cottage industry of agencies that care for H.I.V. patients. But Mr. Delaney's article, ''The Coming Sunset on AIDS Funding Programs,'' has set off an intense debate.

''I think Delaney knows that he is putting out a provocative, stimulating kind of discussion,'' said Jim Graham, executive director of the Whitman-Walker Clinic in Washington, a counterpart to Gay Men's Health Crisis. ''This is the whole discussion about AIDS exceptionalism. I think AIDS is an exceptional situation. AIDS is caused by a virus. That infectious virus is loose in America. And when you have a virus, an infectious situation such as this, it takes an exceptional response.''

Yet many people involved with AIDS say some change is in order. Many programs created in response to the epidemic were intended as stopgaps, to help the dying in the health emergency. Some of the money that pays for free lunches at Gay Men's Health Crisis, for instance, is from the Federal Emergency Management Agency, which usually works on natural disasters like hurricanes and earthquakes.

But it is becoming clear that the AIDS crisis is long term. New treatments appear to be turning the disease from a certain death sentence to a chronic manageable illness. Accepting the projection that the epidemic will last for at least another generation, advocates say, the Government and private agencies need to take a hard look at spending in the coming years.

''We are not going to die, at least not all of us, and at least not all so soon,'' said Bill Arnold, co-chairman of the ADAP Working Group, a coalition in Washington that is lobbying the Government to add money to its AIDS Drug Assistance Program. ''A lot of us are saying that the AIDS network or AIDS Inc. or whatever you want to call it, this whole network that we have created in the last 15 years, needs to be reinvented. But reinvented as what?''

That question is provoking considerable anxiety among employees at the estimated 2,400 service agencies in the United States, several hundred of which are in New York City.

The agencies offer an array of services including sophisticated treatment advice and free dog walking. Although most are tiny, some have grown into huge institutions financed by Federal, state and local government dollars, as well as contributions.

Critics say the organizations cannot possibly re-examine themselves because they have become too dependent on the Government.

''They have all become co-opted by the very system that they were created to hold accountable,'' Larry Kramer, the playwright, said.

Mr. Kramer founded Gay Men's Health Crisis in 1981, but has long been critical of the group. ''It's staffed with a lot of people who have jobs at stake,'' he said.

With 280 employees and 7,000 volunteers, the program is the biggest and busiest agency of its kind. For many with human immunodeficiency virus, the organization and its lending library, arts-and-crafts center and comfortably decorated ''living room'' offer a home away from home, a place where, as one participant said, ''your H.I.V. status is a nonevent.'' For some, the hot lunches often provide the only nutritious meals the patients get all day. For others, they are simply a source of community.

Craig Gibson, 31, of the Bronx, is one of 10,000 people a year who seek services there. Several days each week, Mr. Gibson goes to the living room to play cards after lunch.

''You come here, you see your friends,'' he said one afternoon. ''Today they had a great chicken parmesan.''

A walk through the lobby shows the power and success of AIDS philanthropy. A huge plaque in the entryway lists dozens of donors who have contributed $10,000 or more, including three who have given more than $1 million. Even so, 19 percent of the $30 million annual budget comes from Government sources, Mr. Robinson said.

''We still need this extraordinary short-term help,'' he said.

But Mr. Robinson said he was aware that the financing might not last forever. Even as the organization expands, it is doing so with an eye toward eventually scaling back. It just spent $12.5 million to renovate its new headquarters in a simple but expansive 12-story brick building on West 24th Street.

Mr. Robinson, a former accountant, said the building was designed so that any other business could easily move in. The lease is relatively short, 15 years.

The agency, he added, has realized that it cannot afford to be all things to all people. Until recently, Mr. Robinson said, ''anybody with H.I.V. or AIDS could walk into our advocacy department, and virtually anything that was wrong with their life was addressed.''

''If they were having problems with their landlord,'' he said, ''we would deal with it. If they needed an air-conditioner, we would deal with it. Now we are really trying to focus on what is specifically related to AIDS.''

To understand why Mr. Robinson and others say they believe AIDS deserves special status, a person has to go back to the response to AIDS in the days when it was known as the ''gay cancer.'' The Government and the rest of society all but ignored the illness, forcing the people who were affected—by and large homosexuals—to fend for themselves.

''The original reaction,'' Mr. Arnold said, ''was in response to: 'This is not our problem. We don't like you. Go away and die.' ''

''By the time you have got 200,000 to 300,000 people dead,'' he said, ''they all have friends. They all have relatives. That's a lot of people impacted. So now you have some critical mass.''

That mass has translated into a political force—and significant Federal money. In his budget proposal for 1998, President Clinton has asked Congress to allocate more than $3.5 billion for AIDS programs, including $1.5 billion for AIDS research at the National Institutes of Health and $1.04 billion for the Ryan White Care Act, which provides medical care, counseling, prescription drugs and dental visits for people with H.I.V.

If Congress enacts the plan, AIDS spending would increase 4 percent over last year, and 70 percent over 1993, when Mr. Clinton took office.

In a paradox, some doctors say the array of services makes it harder to care for people whose behavior puts them at risk for AIDS, but who are not yet infected.

''We're trying to figure out how to provide services to H.I.V.-negative people to help them stay negative,'' said Dr. Michelle Roland, who treats indigent patients at San Francisco General Hospital. Many of Dr. Roland's patients are drug abusers, people at high risk.

''The truth is,'' she said, ''we have a lot more access to resources for H.I.V.-positive people for drug treatment, education and housing.''

While advocates for people with other diseases often lobby vociferously for more money for research, the notion of exceptionalism—that a particular illness deserves special Government status—is unique to AIDS, and it is generating a backlash.

For years, the American Heart Association has gone to Capitol Hill budget hearings with charts showing that more research money was spent per patient on AIDS than on heart disease. Advocates for people with Parkinson's disease have done the same. It will not be long, Mr. Delaney argues, before people with those and other diseases follow suit, demanding Ryan White-style programs for themselves.

Some authorities, including the president of the American Foundation for AIDS Research, Dr. Arthur Ammann, said Mr. Delaney was correct in pushing for universal

health care. ''We've got to form an alliance with these other diseases,'' Dr. Ammann said, ''and say, None of us is going to get adequate health care the way the system is going.''

But others call Mr. Delaney naive.

''It's interesting to muse about what he says,'' said Mr. Graham of the Whitman-Walker Clinic. ''But it's both undesirable and impossible. So what's the point of talking about it?''

Naive or not, in challenging exceptionalism Mr. Delaney has clearly broken a taboo.

''We sort of question it among ourselves behind closed doors,'' said Mark Hannay, a member of the New York chapter of Act Up, the AIDS Coalition to Unleash Power. ''Like, isn't this nice, but we're the only ones getting it.''

Mr. COBURN. Mr. President, another key fact: New York State alone spends $25 million a year just on administration of their Ryan White title I funds. That is more money on administration than 38 other States combined, 38 other States spend total on all of it.

The Senator from New York showed a chart on AIDS cases and spending. Well, she was right. It was about AIDS cases, but it wasn't about AIDS and HIV-infected individuals. When you look at it in terms of those infected with HIV rather than AIDS cases and when you look at AIDS cases, AIDS cases are based on those who have had AIDS in the past and those who have AIDS today but does not reflect the epidemic.

I also ask unanimous consent to have printed in the RECORD an article on the housing and rooming in New York for people who are no longer alive but for which they paid for a number of months, a large number of people, where money was wasted.

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

HIV/AIDS SHELTER COSTS CHALLENGED

(By Ellen Yan)

JULY 5, 2005.—The [New York] city agency that secures temporary shelter for indigent people with HIV/AIDS shelled out $2.2 million in questionable payments over 2½ years, partly to rent rooms listed to people who had died, the city comptroller charged in an audit released yesterday.

The Human Resources Administration paid $182,391 for rooms listed to 26 people up to two years after their deaths, with one housing provider getting 76 percent of the money, $137,920, said the report from Comptroller William Thompson Jr.

Auditors said many of the problems stemmed from the agency's failure to review its own data and client files before making payments to housing providers. In the audit, Thompson's office looked at five housing facilities as well as payments and records made from July 2002 to December 2004.

Among the findings, auditors said, $1 million went to housing providers for residents who did not sign registration logs; $456,292 was paid for overnight stays on or after clients' last days of occupancy; $417,463 in payments for people not in the agency's new database; $118,185 in double billing; and a $20,030 check to one vendor who submitted a $2,030 bill, an overpayment the agency said it will correct.

HRA spokesman Bob McHugh said yesterday that agency heads had not seen the comptroller's final report.

''For whatever reason, they chose to release it on the Fourth of July, so we're not going to comment . . . until we get a chance to review it,'' McHugh said.

In letters sent to the comptroller's office, HRA disagreed with many findings. In a June 15 letter, the agency said it's still waiting for Thompson's office to provide all the details so it can double-check the findings.

For example, officials replied in letters to the comptroller's office that at least three people were erroneously listed as dead in Social Security records.

In addition, the agency wrote, weekly registration logs are not final proof of whether housing was provided, because people with AIDS may have been too sick to sign.

The agency also accused Thompson's office of giving an ''unbalanced'' picture of housing conditions by concluding the 91 units checked were ''generally in satisfactory condition'' but then rating 25 of them as ''unsafe and unsanitary.''

The housing agency agreed with most of the audit's recommendations, including checking vendors' bills against client and Social Security records.

Mr. COBURN. Mr. President, it is disingenuous to use AIDS cases alone to make comparisons. The reason for that is because this is an epidemic. And thanks to the wonderful presence of modern-day medicines, medicines are preventing people who have HIV from ever contracting the fullblown AIDS syndrome.

The whole idea behind the bill that Senators ENZI and KENNEDY have offered and that has passed the House with over 300 votes is to have the money follow the epidemic. That is what this bill does. There are small declines in the amount of money per person in New York so that marked increases in funds are available for those in the nonmetropolitan areas throughout the South.

We know the face of the epidemic is changing. That epidemic says that we ought to be caring for them. The Senator's answer is just spend more money. But last year, when I offered an amendment to add $60 million to the ADAP by cutting pork projects, she voted against it. So you can come to the floor and claim you are for spending more money, but if you don't want to cut out a Japanese garden which is for a Federal Government building which was $60 million so you can put $60 million into lifesaving drugs, some would claim that is not real support for more money.

The final point I wish to make is that last year, New York received over $1.4 billion in earmarks, earmarks that aren't a priority, earmarks that aren't necessarily needed in a time of war. There was no offer to cut back on the earmarks for the State of New York to pay for greater care for AIDS patients. Some want to have it both ways: earmarks in the bill that are going to come back to us this November for New York, $600,000 for exhibits, $500,000 for New York City. We have to get a hold of priorities. Is HIV/AIDS a priority? Yes. And can we put more money into it? Yes. But we ought to be making the tough choices.

So I would say to my colleague that I have great respect for her desire to make sure everybody is cared for, but I also have a desire to make sure our children are cared for. And we need to pass this bill. It is a fair bill in the long term. We will work hard to make sure the moneys are there. We will work hard.

A final point. This new bill directs that 75 percent of the money ought to go to treatment. Less than 50 percent of the money in New York goes for treatment. Fifty percent goes for other things. So we have people living in South Carolina, North Carolina, Oklahoma, and in other States who are now on a drug waiting list who can't get treatment, and we are quibbling about $300 in other programs—not treatment—other programs these people won't ever have any access to, but yet they can't get drugs. Is it a geographical disagreement? Yes. Everybody who is talking on this is for taking care of this problem. This is a great way. This bill is a good start.

Here is the other problem. If we don't pass this bill before October 1, lots of people in New York and in other States will be hurt because of the legislation in the previous Ryan White Act in terms of forcing the redistribution of this. It is my hope we can work this out.

I appreciate the Senator's sentiments in terms of her caring for those with HIV, but I know, in fact, what has been offered and worked and gotten through the House is a good approach that takes a little bit from New York, takes a little bit from San Francisco, and gives lifesaving drugs. It doesn't take any lifesaving drugs away from New York or San Francisco or California but gives lifesaving drugs to the people who don't have them today. We ought to be about doing that.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 45 minutes.

RETIRING FROM THE SENATE

PAUL SARBANES

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, this is a day I hoped would never come. This is a speech I hoped I would never give. These are words I hoped I would never say. The senior Senator from Maryland, PAUL SARBANES, the longest serving Senator in the history of his great State, Senator PAUL SARBANES, is retiring. Now I must say goodbye.

I am so sorry to say those words to my good friend, my true friend, and greatly esteemed colleague. More than once, in fact, I have found myself hoping PAUL SARBANES would change his mind. But the senior Senator from Maryland must do what is best for himself and his family, and I wish him the best.

The retirement of PAUL SARBANES from the Senate brings to a close a fascinating and extraordinary Senate career. This son of Greek immigrant parents grew up on the Eastern Shore of

Maryland, where he worked his way—yes, he worked his way through school by waiting on tables, washing dishes, and mopping floors in the Mayflower Grill in downtown Salisbury. From there, it was on to Princeton, that great university, for an undergraduate degree, to Oxford University as a Rhodes scholar—as a Rhodes scholar—and then on to Harvard Law School.

PAUL SARBANES began his career in public service in 1966. I had just begun my second term as a Member of the U.S. Senate 2 years before when PAUL SARBANES was elected to the Maryland State Legislature in 1966. In 1970, PAUL SARBANES was elected to the U.S. House of Representatives where, as a member of the House Judiciary Committee, he introduced the first article of impeachment against President Nixon.

That was PAUL SARBANES. After three terms in the U.S. House of Representatives, in 1976 he was elected to the U.S. Senate—yes, this body—where his career became even more fascinating and extraordinary.

In the U.S. Senate, PAUL SARBANES has served as chairman of the Congressional Joint Economic Committee and chairman of the Senate Banking, Housing, and Urban Affairs Committee. And he was chairman of the very impressive and influential Maryland Congressional Delegation, which includes Senator BARBARA MIKULSKI and the House Democratic whip, STENY HOYER. PAUL SARBANES has also been a very effective member of the Senate Foreign Relations Committee and the Senate Budget Committee.

Senator SARBANES has authored and sponsored important legislation, including the Sarbanes-Oxley Act, which has been called the most far-reaching reforms of American business practices since the time of President Franklin Delano Roosevelt.

I have always admired the quiet but effective way in which this unassuming, brilliant—I mean brilliant—and most reasonable lawmaker has performed the Nation's business. PAUL SARBANES. The Greeks taught the world to think. I don't know whether that is original or not, but that is the way I feel about it, in any event. The Greeks taught the world to think. I have always thought of PAUL SARBANES as a thinker—a thinker—a thinker. On the Senate committees on which we have served together, I have observed how he listens carefully, speaks—not often, but when he speaks, he speaks so softly, and then gets right to the crux of a matter. What a mind. What a brain. Yes, what a thinker. In his own subtle way, he can dissect even the most powerful and most arrogant witness. Let it be a Senator, he is the same.

I will always remember and always appreciate the great support that PAUL SARBANES gave to me during the time I served as the Senate Democratic Leader. During the most troubling times, during the most difficult votes, during the most controversial debate on matters, I could always count on PAUL SARBANES being there—with his friendship, his assistance, and his advice. I always called on PAUL SARBANES as I gathered the chairmen of the committees when I was the majority leader of the Senate and when I was the minority leader. I would call my Democratic chairmen around me. They were my board of directors, the chairmen of the various committees when we were in the majority. I always called PAUL SARBANES—he and some others, like Wendell Ford—but I am talking about PAUL SARBANES. I cannot begin to describe how important his support was and how much I appreciated it.

As I have said before, every leader would be fortunate to have a PAUL SARBANES, this Greek—and I say that with great pride—this Greek thinker. When I see the statue of ''The Thinker,'' with his fist under his chin, I think of PAUL SARBANES. Yes, I think of PAUL SARBANES. I was always so fortunate myself to have PAUL SARBANES as a colleague to whom I could go and seek advice and counsel.

Senator SARBANES was one of just 23 Members of this Chamber who was willing to defy popular opinion—yes, to stand up to the President of the United States and to throw himself against the forces of war in voting against the resolution to launch an unprecedented preemptive assault, military assault, military invasion of a country that had never attacked us, never attacked our country; a country that did not pose a preeminent threat to our national security—Iraq. If only there had been more Senators like PAUL SARBANES, one of the 23 immortals. I like to think of it in that way.

I am in my 48th year in the Senate, and I was 6 years in the other body, making more than half a century in the Congress of the United States. I have always, since that vote, felt that was the greatest vote that I have ever cast. I have cast more than 17,000 roll-call votes in the Senate. I will always look upon that vote as the greatest vote, the vote in which I take the most pride, during my 54 years in the Congress of the United States—the greatest vote I ever cast. I cast that vote with 22 other Senators, one of whom is now gone. He died in a plane crash.

When Senator SARBANES announced his retirement back in March 2005, I remarked that he ''will be missed'' and that he ''will not be replaced.'' While PAUL SARBANES will be missed, I might have to qualify the latter portion of that statement. Just a few weeks ago his son, PAUL SARBANES' son John—John, what a name—won the Democratic primary in the 3rd district in Maryland to become a Democratic nominee for the U.S. House of Representatives. Therefore, come January we might have another SARBANES serving with us in the Congress—praise God. If so, it will be fascinating to watch that son follow in his father's footsteps.

As the old saying goes: A SARBANES goes and a SARBANES comes, and Congress, like Tennyson's brook, goes on forever. That is not really an old saying. I probably just made it up. But I like it; yes, I like it.

Let me close by simply saying thank you, thank you Senator PAUL SARBANES. I thank you.

I remember PAUL SARBANES years ago when we were thinking and talking about and debating the Panama Canal treaty. I was against that treaty in the beginning, and then I read ''The Path Between The Seas'' and I changed my mind. I studied the matter. I did what PAUL SARBANES did, I studied the matter. I thought about the matter. I changed my viewpoints.

PAUL SARBANES, I thank you. I thank you for being a true friend. I thank you for being a truly esteemed colleague. I don't say these words lightly. I have been here a long time. I know a good man or woman, a good Senator when I see a good Senator. And I know this man is one of the finest of all Senators and a great American.

I thank you, PAUL SARBANES, for everything that you have done for your State and your people and country our people. I wish you and your lovely wife Christine nothing but ambrosia and nectar as you enter the next phase of your lives.

God, give us men.
A time like this demands strong minds,
Great hearts, true faith, and ready hands.
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie.

Men who can stand before the demagog
And brave his treacherous flatteries without winking.
Tall men, Sun-crowned;
Who live above the fog.
In public duty and in private thinking.

For while the rabble with its thumbworn creeds,
Its large professions and its little deeds,
Mingles in selfish strife,
Lo! Freedom weeps!
Waits, and waiting justice sleeps.
Wrong rules the land, I say, and waiting justice sleeps.
God, give us men!

Men who serve not for selfish booty;
But real men, courageous, who flinch not at duty.
Men of dependable character;
Men of sterling worth;
Then wrongs will be redressed and right will rule the Earth.
God Give us men—

More men, yes, men like PAUL SARBANES, the Greek scholar, the Greek thinker, the Rhodes Scholar, a Senator of whom I am proud and will always speak with great pride.

Mr. SARBANES. Will the Senator yield?

Mr. BYRD. Yes, I yield.

Mr. SARBANES. Mr. President, I thank the very able Senator from West Virginia, our leader here for so many years, for his very generous and gracious remarks. I am deeply appreciative of his exceedingly kind words.

But I want to thank him even more for the extraordinary leadership he has

provided over his service, both in the House of Representatives and, for the last 48 years, in the Senate. I have been here three decades and there is no one during that time who has spoken more eloquently, more perceptively about our Constitution and the role of the Senate within the Constitution, who has sought to strengthen the Senate as an institution and to have it play its role in the checks and balances arrangements which our Founding Fathers established in Philadelphia in the summer of 1787.

Senator BYRD again and again has called us to a higher standard. He has urged us over and over to do the right thing, to understand what our roles are as Senators, and, as he said, I know of no issue, certainly in recent times, where he has more pointedly expressed our role than when we considered the issue of giving the President authority to go to war in Iraq. It was Senator BYRD who sounded a clarion call that was heard all across the country, as he raised the basic questions that needed to be raised with respect to an issue of such gravity and significance.

I have been honored to serve with the Senator. I early recognized that the wisest course would be to follow his leadership. Again and again I have been privileged to have the opportunity to do that. I thank him very much for what he just said. I want him to know that as long as he stands on the floor of the Senate, I have confidence that our Constitution and this body as an institution are in good hands.

That is a magnificent service that he renders to the Republic. I thank him very much.

Mr. BYRD. Mr. President, I thank my dear friend. I shall always cherish the words thus spoken and always reflect upon this Senator, PAUL SARBANES, with great pride.

MARK DAYTON

Mr. President, I say farewell to Senator DAYTON. Seldom has a freshman Senator made more of an impression on me than has Senator MARK DAYTON of Minnesota who has announced that he will be leaving us at the end of this session of the Congress.

From the start of his service in this Chamber, I have been struck by Senator DAYTON's determination to learn the rules, to learn the traditions, to learn the customs of the Senate.

When Senator DAYTON presided over the Senate, which is one of the responsibilities of freshman Senators, he always did so with attention and dignity. His demeanor was inspiring. It reassured my belief in the future of this great institution.

When I meet with new Senators, as I often do, about the duties of the Presiding Officer, I urge them to use that gavel on that desk vigorously to bring the U.S. Senate to order.

I recall one instance when Senator DAYTON banged the gavel so hard that he nearly fell out of his chair. That is the way it should be. I thought to myself: Bang that gavel, bring the Senate to order so that the Senate can conduct the Nation's business.

I am also impressed about the reverence that Senator DAYTON shows for our Nation's most basic, most important document, the Constitution of the United States.

Many people who have served in this Chamber will have to answer to history for the way they have ignored and trampled upon our Constitution. As President Lincoln once reminded the Members of Congress: ''We cannot escape history.''

I am confident that history will hold Senator DAYTON in high regard.

Time after time, this freshman Senator has stood with me and the Constitution of the United States on the important issues before us. Senator DAYTON was one of the lonely 23 Senators who voted not to go to war with Iraq. I have been, as I say, 48 years in this body, and it is the greatest vote I ever cast, the vote of which I am most proud of all the 17,000 and more votes that I have cast.

Senator DAYTON was willing to defy public opinion and the forces of war because he, Senator DAYTON, was determined not to hand over to President Bush, or any President, Democrat or Republican, any President, the power to declare war. No. Why? Because the Constitution says Congress shall have the power to declare war.

With firm belief in our constitutional doctrines of the separation of powers and checks and balances, Senator DAYTON was the only person on the Senate Governmental Affairs Committee who voted against the flawed Department of Homeland Security bill that this White House pushed.

How I have admired the courage and the fortitude of this man, Senator DAYTON, this Senator and his firm belief in our constitutional system.

How I have wished that he would change his mind. I have spoken to him numerous times about that. I wish we had more like him, more who would say: Come one, come all, this rock shall fly from its firm base as I.

I thank Senator DAYTON for standing shoulder to shoulder and toe to toe with me on so many constitutional issues, and I thank him for the reverence he has shown this institution, the U.S. Senate.

Senator DAYTON is a descendent—get this—Senator DAYTON is a descendent of Jonathan Dayton, who was a delegate to the Constitutional Convention of 1787 from the State of New Jersey. I know that Jonathan Dayton is up there somewhere today looking down and smiling upon his kinsman who has worked so hard to preserve and to protect the Constitution, the sacred document that he, Jonathan Dayton, helped to create along with George Washington, Alexander Hamilton, and James Madison.

Senator DAYTON has brought to the Senate a vigor and a vision of public policies that is both refreshing and needed; yes, needed.

MARK DAYTON has devoted his life to public service. And why he ever decided to leave the Senate is beyond me. I have done the best I could talking with him time and time again, but he remains firm.

His public service included teaching school in the lower east side of New York City, also known as the Bowery, and serving as a social worker in Boston, the great city of Boston. Senator DAYTON's social and political activism landed him on President Richard Nixon's infamous ''enemies list''—which he, Senator MARK DAYTON, probably considered a badge of honor—and on the staff of Senator Walter Mondale, one of our fine Vice Presidents.

Senator DAYTON brought his concerns for the less fortunate and the powerless with him to the Senate. As a freshman Senator, he proposed a new farm bill to help struggling family farms. He proposed a prescription tax credit plan to help Medicare beneficiaries offset the costs of their medications. He established a health care help line to assist working families in his State in getting health coverage from their insurance companies that they had paid for. He proposed a global trade agreement to limit the President's ability to negotiate trade deals by giving the Congress the power to reject parts of negotiated trade deals if they violated existing laws.

I expected great things from this Senator. He had been serving in this Chamber for only 2 years, when on March 13, 2003, I predicted that Senator DAYTON would have a ''long career, if he wishes to make it a long one.''

I was surprised, I was disappointed, I was saddened to learn that he has chosen instead to make a short career in the Senate. I hope he does not retire from public life because our country—especially our less fortunate—will always need public servants like MARK DAYTON.

But whatever he chooses to do, I wish him happiness and success. And I will always be grateful for my friendship with MARK DAYTON and the work—yes, the work—that we have done together.

Mr. DAYTON. Mr. President, will the Senator yield briefly?

Mr. BYRD. I do yield.

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

The PRESIDING OFFICER. The Senator has 8½ minutes remaining.

Mr. BYRD. I yield to the Senator 2 minutes. Is that sufficient?

Mr. DAYTON. I will be very brief.

I thank the Senator from West Virginia for those gracious words. I am deeply honored because they come from the mouth of one of the greatest Senators in the history of this country. And whatever I have learned to apply with my understanding of the traditions of the Senate, the integrity of the Senate, the dignity of the Senate, I heard first and foremost from the great Senator from West Virginia, who has been a mentor, a guide, a leader, for whom I have the utmost respect. And

when I did preside and listen to the Senator speak about such subjects as the United States Constitution, I learned more from his wisdom than I have learned in the previous 55 years of my life.

I was honored to stand with him, really behind him, when he led the public outcry against the war resolution. And I was honored to be 1 of those 23 Senators, and history has proven us also correct. For his incredible service to his State for which he was cited as the Greatest West Virginian of the last century, and I expect will be cited as the Greatest West Virginian of this century as well, and for that same quality of devotion to our country and incredible leadership to our entire Nation, we are all—all of the country men and women—in great debt to him. I am, again, deeply honored by his words.

Mr. BYRD. Mr. President, I thank the distinguished Senator, and I will always cherish, as long as I live, his words.

JIM JEFFORDS

Mr. BYRD. Mr. President, unfortunately, when Congress meets again in January of 2007, this Chamber and our Nation will be without the services of our esteemed colleague, Senator JIM JEFFORDS.

Senator JEFFORDS has announced that he is retiring so he may spend more time with his lovely wife Elizabeth. May I make clear that Elizabeth's gain is the Senate's loss.

For 32 years, JIM JEFFORDS has proudly and superbly represented his beautiful State of Vermont and our great country in the U.S. Congress.

From 1975 to 1988, he was Vermont's lone Member in the United States House of Representatives. Now having served three terms in the Senate, he has decided to retire. I regret his departure. He is a Senator I have admired. He is a Senator I respected since he first came to this Chamber.

Through his hard work and his dedication to this institution, he has helped to make the Senate a better place. For that I have been grateful and thankful. He is a polite, friendly, mild-mannered man whom it is always pleasant to be around. He is a U.S. Navy veteran who has never failed to demonstrate his love for our great country.

This Senator is a great American who possesses a passion to do the right thing no matter what the consequence. He is a U.S. Senator who has always displayed a reverence for this institution, the Senate of the United States.

While he has a natural, easy-going manner, he is a Senator who will work feverishly, who will work tirelessly for the causes in which he believes. Seldom has the Senate seen a stronger or more avid defender of the environment. He was one of the founders of the Congressional Solar Coalition. He has chaired the House Environment Study Conference and the Senate Environment and Public Works Committee. In Congress, he has constantly sought to broaden and to strengthen the power of the Environmental Protection Agency, and he has worked to ensure that important agency does its job.

His efforts to protect our environment have earned him recognition and awards from a number of environmental organizations, including the prestigious Sierra Club.

Senator JEFFORDS has been one of the Senate's foremost promoters of the rights of disabled Americans. Senator JEFFORDS has worked to open opportunities for them. He is coauthor of the Individuals With Disabilities Education Act, IDEA. For his efforts on behalf of disabled Americans, the National Multiple Sclerosis Society, NMSS, honored him as its ''Senator of the year.''

Senator JEFFORDS has been a promoter of the arts. He was a cofounder of the Congressional Arts Caucus, and not long ago as head of the Senate committee that oversees the National Endowment for the Arts, Senator JEFFORDS—yes, Senator JEFFORDS—was able to block a House effort to abolish the NEA.

Senator JEFFORDS has been one of the Senate's biggest and best promoters of education. I have read some criticisms of Senator JEFFORDS for his continuous efforts to seek more and more funding for educational programs for America's youth, America's young people, especially special educational programs. He has even been accused of ''bartering his vote'' on legislation for his own pet educational projects. I think this was probably meant as a criticism. If it were, I am sure that it is a criticism that Senator JEFFORDS wears with pride.

I don't think there is anything more important to Senator JEFFORDS than seeing that all of America's children have every opportunity to fulfill their educational pursuits. For this, he certainly has my respect and my admiration. I applaud him. Yes, I applaud Senator JEFFORDS.

Throughout his congressional career, Senator JEFFORDS, son of a Chief Justice of the Vermont Supreme Court and graduate of Yale University and Harvard Law School, has always displayed an independence of spirit, an independence of spirit for which he has been labeled a loose cannon. Knowing Senator JEFFORDS as I do, I know that his independence stems from an unrelenting determination to place doing the right thing above political or personal interest.

While in the House of Representatives, Senator JEFFORDS was the only Republican to vote against President Reagan's tax cut bill because he charged it would increase the national deficit. And it did. In the Senate, he was one of two Republicans who voted against President Bush's first round of tax cuts because those cuts were irresponsible and favored the wealthy. Senator JEFFORDS was the only Republican Senator to cosponsor President Clinton's effort to overhaul our national health care system.

I remember Senator JEFFORDS for being one of only 23 Senators who voted against going to war in Iraq. I have been in this Senate 48 years this year. I have cast 17,752 rollcall votes. I will say it again, 17,752 rollcall votes. And of all these votes—I have said it before—I am most proud of that particular vote, the vote against that arrogant and reckless charge to war in Iraq.

The Constitution says Congress shall have the power to declare war. It does not say that ''one person,'' it does not say that the President of the United States, be he Republican or Democrat, shall have the power to declare war.

So, 23 Senators, including ROBERT BYRD and JIM JEFFORDS, voted to uphold the Constitution of the United States. That was the greatest vote ever cast in my 48 years in the Senate. If we only had more Senators with the courage, the determination and the character of JIM JEFFORDS, we might have avoided becoming involved in the bloody mess in which we now find ourselves in Iraq—with no end in sight. The Senate needs more JIM JEFFORDS.

In September 2000, Congressional Quarterly included a nice profile of Senator JEFFORDS. That article discussed his willingness to take independent positions even on the most partisan issues. It also discussed his black belt in the martial arts and how he had joined with other esteemed colleagues—SENATORS LOTT, CRAIG, and Ashcroft—to form that magnificent vocal group ''The Singing Senators.'' Congressional Quarterly pointed out that Senator JEFFORDS ''calls his own tunes,'' and I say he does. He calls his own tunes.

Eight months later, CQ proved prophetic. In May 2001 came an event for which Senator JEFFORDS will often be remembered in his 32 years in Congress, the event that he has called his own personal ''declaration of independence.'' He followed his conscience and followed the path best for him. As I said before, we need more Senators like JIM JEFFORDS.

I am sorry to have to say goodbye to this unassuming, fiercely independent man. As much as I would prefer that he stay, I understand and I respect his wishes.

I wish Senator JEFFORDS and his lovely wife Elizabeth the blessing of Almighty God as they begin the next chapter of their lives.

The PRESIDING OFFICER. The Senator from Minnesota.

MARK DAYTON

Mr. COLEMAN. Mr. President, I see my colleague from Minnesota, Senator DAYTON. He will not be here in January, and I come to the Senate to associate myself with the praise of my distinguished colleague from West Virginia for Senator DAYTON.

We live in very partisan times. We live in times where there is great cynicism about politics. We come from opposite sides of the political aisle, and there are moments we are butting

heads on issues and press releases, but I have to say my colleague's heart is pure. On issue after issue, when MARK DAYTON, the Senator from Minnesota, says something, he says it because he believes it and he is passionate about it.

We worked together to try to make sure our troops, when they were on leave from Iraq, came home at no cost. We came together.

Earlier today, we were in the Senate talking about agricultural disaster assistance for Minnesota farmers. The public does not see all the times we work together. They do not look into a man's heart. I have been here 4 years, and what I call the pureness of the heart, the commitment to public service, a lifelong commitment to public service, again and again at level after level on the State and now in the U.S. Congress is something to be celebrated.

I express to my colleague and my friend—and we use that word rather loosely on occasion here, but he is my colleague and my friend—thanks for your service. Thank you for giving me the opportunity to work with you on behalf of the people of Minnesota and the people of this country.

Mr. DAYTON. Mr. President, I ask unanimous consent I might have 1 minute to respond.

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

Mr. DAYTON. Mr. President, I thank my friend, and I mean that sincerely, and my very distinguished colleague from Minnesota for those very kind words.

The Senator said we don't agree on everything, but we are not meant to agree on everything. That is part of the wisdom of the process here.

I have endless respect for the Senator from Minnesota. He was elected to the Senate by the people of our State under very difficult circumstances in the immediate aftermath of the tragic death of his predecessor. He handled that situation with great dignity and class, and he has continued to do so.

He represents our State with effectiveness, success beyond his young years. That is demonstrated by the high regard he is held in by most of the citizens in our State.

I thank him for his friendship. I thank him for the opportunity to work with him. I wish him continued success after I leave the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Parliamentary inquiry: I think I have the next 45 minutes under the unanimous consent.

The PRESIDING OFFICER. The Senator is authorized to proceed.

BILL FRIST

Mr. ENZI. Mr President, soon the last remaining items of business on the legislative calendar for the 10gth Congress will be taken up and the current session of Congress will end. When it does, several of our colleagues will be returning home and leaving public service. We will miss them and we will especially miss the good ideas and creative spirit they brought with them to add to our work here in the Senate.

One of our colleagues we will all miss is BILL FRIST, our good friend from Tennessee. In his two terms of service he has compiled quite a remarkable record of accomplishments as one of Tennessee's Senators and as majority leader here in the Senate.

BILL's interest in serving in the Senate began while he was attending Princeton as an undergraduate. He was an intern in the House when Representative Evins of his home State encouraged him to run. But, before you do, he said, do something else for 20 years or so. Then you will be ready to run for office.

He knew that was good advice so he began a career that interested him and challenged him as much as politics did. BILL FRIST became a surgeon and established a reputation as one of the best transplant surgeons in the Nation.

We were fortunate that he chose that path in life, because his in depth knowledge of the practice of medicine and our Nation's health care system has been an invaluable addition to the debates we have had on those issues. His familiarity with health care from the perspective of the physician and his concern about rising costs as a member of the Senate helped to guide our efforts as we took up these and other matters in committee and on the Senate floor.

In the years he has served in the Senate, he has put his medical skills to practical use several times. When a gun battle had taken the lives of two Capitol Police officers, he went to the scene to help. Although he was unable to save the lives of either officer, he was ultimately successful in saving the life of their assailant. On another occasion, we were fortunate to have him with us when Strom Thurmond collapsed on the Senate floor and needed assistance. Finally, he was able to revive and save the life of one of his own constituents who had been the victim of a heart attack.

Many of our constituents remember BILL FRIST the days in 2001, when the Senate was attacked with anthrax. Once again, BILL FRIST was there to provide support and encouragement, and in that calm, reassuring manner of his, let the Nation know that we were doing everything we could to minimize the present danger and return the Senate to our normal pattern of work as soon as possible. The anthrax attack was a challenge that had never been faced before in the Congress, and BILL FRIST showed his credentials as a leader during that difficult time for us all.

During his service in the Senate, BILL has taken an active role in the consideration of a great many thorny and complicated issues that regularly come before the Senate. We were fortunate to have a doctor as our leader because, on many occasions, it was only BILL's bedside manner that helped him to forge agreements and develop bipartisan agreements on the Senate floor.

Looking back, the record will show that one of BILL's greatest successes was the Medicare drug benefit. This new addition to the Medicare program is helping seniors to pay for their prescription drugs and it is having a great impact on the quality of the health care we provide our Nation's seniors. Although it is still going through its initial stages as it is introduced to the public, and we are working to ensure people understand the benefits it provides them, there is no doubt that we wouldn't have had a prescription drug benefit program enacted into law at all—if not for the role BILL FRIST played in the effort. Working with program opponents and organizations in the public sector that opposed the new program, BILL was able to resolve many of the doubts and uncertainties that surrounded it, and ultimately, get it enacted by the Congress and signed into law.

In addition, and in what was perhaps his biggest achievement, BILL led a successful effort to pass an initiative to fight AIDS in Africa and the Caribbean. He had a heartfelt interest in the legislation and firsthand knowledge of the problem it was designed to address because he had done volunteer medical work for many years in Africa. His witness of the impact of the disease on the population of that country inspired him to do everything he could to address and try to put an end to the suffering it caused. Bill can be very proud of the great result he achieved in that effort. That initiative is his legacy and it will save more lives over the years than we will ever be able to count.

The record is clear. During BILL FRIST's service in the Senate, especially his years as majority leader, the Senate and the Nation have faced challenges and addressed issues we had never had to deal with before. The war on terror. the detention of terrorists, the quality and definition of life, the future of our Nation's school system, partial birth abortion, stem cell research and so many more controversial issues have found their way onto the Senate floor for our consideration.

Through it all, BILL FRIST's knowledge, deep understanding of the issues involved, and determination to develop a consensus on them, so typical of his leadership style, enabled the Senate to be a pro-active and fully involved deliberative body. The results he achieved during his years of service in the Senate will be his legacy and help provide the foundation for the work we will do together during the 110th Session of Congress.

Now BILL and his wife Karyn will have the time they have always wanted to spend with their children as BILL considers his next opportunity for public service. BILL FRIST has been a major part of our day to day routine in the Senate for 12 years and we will miss his presence, his influence on our legislative routine, and his expertise on the issues we have considered on the floor.

PAUL SARBANES

Mr. President, there is always an element of sadness that touches us all when we come to the end of a session of Congress. As the clock winds down on the final hours of our legislative activities, it also signals the time when several of our colleagues will be retiring and ending their years of service in the U.S. Senate. One of our colleagues who will be leaving at the end of this session is my good friend PAUL SARBANES of Maryland.

I remember when I first came to Washington years ago. I wanted my staff and I to hit the ground running, so I was reading up on the people who would be my colleagues in the Senate. One name caught my eye—PAUL SARBANES. It was noted that PAUL was a brilliant man who was one of the Senate's most noted authorities on the detached nuances of finance.

As the Senate's only accountant I found that comment to be a badge of honor. I knew PAUL must be wearing it with great pride. I knew I would. I took an instant liking to him.

Through the years PAUL and I served on the Banking Committee together. Our 8 years of service there gave me an opportunity to come to know him and appreciate his skills as a legislator. He has a great ability to solve complicated problems by piecing together workable solutions and then reaching out to his colleagues on both sides of the aisle to forge an agreement that could be passed and signed into law.

As I came to know him, I came to greatly respect him, the hard work he puts into his job every day of the year, and his commitment to serve his constituents which directed his every effort on the Senate floor.

A few years ago I had the chance to work with him one on one as we crafted the provisions of what came to be known as the Sarbanes-Oxley legislation. We became good friends during the process and developed a mutual respect for each other's positions on the issues.

That was back during the days when several scandals had rocked the accounting and financial industries of our country. Determined to find a solution, PAUL rolled up his sleeves and went to work. I don't think anyone gave him much of a chance to succeed, but those were people who didn't know him or his determination to find a way to solve a problem once it had captured his attention.

As he began to work on his bill, he knew he wouldn't be able to pass it without the help of some Senate Republicans. On the other side of the aisle, we knew we couldn't get anything through the Senate without the support of several Senate Democrats. So PAUL reached across the aisle and got us all to work together to bring his bill to the Senate floor where it was ultimately passed and signed into law.

As he worked for the people of Maryland and I worked for the people of my State, we found, despite our political and philosophical differences, we were always able to find common ground on the 80 percent of every issue that unites us. That is why PAUL has a well earned reputation here in the Senate for his willingness to work out problems for the greater good. He is known for his ability to navigate through partisan waters and arrive at solutions which are appreciated by the thoughtful majorities of both sides of the Senate. If you ask me, those are the abilities that have proven to be the secret of his success.

Back home, his constituents appreciate his workhorse style. He has served Maryland in the Senate for almost three decades and through it all he has earned the support of the people back home for his hard work and determined effort to make their lives better. The issues that were important to the people who sent him here always led PAUL to the Senate floor to take up the cause and do everything he possibly could to protect and promote the interests of those who were counting on him to get results. Needless to say—more often than not—he did.

Now three decades of service in the Senate have come to an end and PAUL is returning home to Maryland. I know we will all miss his ingenuity, his creativity, and his ability to focus our efforts and lead on both local and national issues. It is a well known adage that all politics is local and that is a lesson that PAUL learned and practiced as a master craftsman.

Now he and Christine will have time to enjoy their families together, and be a part of all that Maryland has to offer. I have a hunch he will not be slowing down so much as changing direction. I also expect I will continue to hear from him from time to time on matters that will still draw his interest.

It is a phone call expect and look forward to receiving in the years to come.

JIM JEFFORDS

Mr. President, as the session draws to a close and we complete the consideration of the bills before us by casting our final votes of the session, I rise to express my gratitude and best wishes to one of our colleagues who will be retiring when the final gavel brings to a close the current session of Congress.

JIM JEFFORDS, my good friend from Vermont, has decided to return home so that he can spend more time with his family. Although I will miss him, as will we all, I understand the reasons for his departure. There is nothing more important than family and the bonds between us and our children—and grandchildren—are stronger than any other in our life.

As the Chairman of the Health, Education, Labor and Pensions Committee, I will miss JIM's 'good ideas, his commitment to making a difference, and his strong determination to make our education and health care systems operate more effectively and efficiently. He was an important presence on the Committee and he and his staff were always willing to work long and hard on the initiatives they proposed to help make our Nation a better place for us all to live.

Looking back, 1974 was a good year for both JIM and me. I was elected to my first term as Mayor of Gillette, WY, and JIM was elected to his first term in the House of Representatives. We both took office full of great hopes and dreams as we looked forward to doing everything we could to make a difference in the lives of the people we were elected to serve.

From the beginning, JIM was very clear on his mission in Congress. He had come here to make sure that our most precious resource—our children—were well taken care of. For JIM, the issue of education was not something he took lightly. It was a commitment that came from his heart. He took the problems of our schools personally and he was determined to do something about them. He wanted everyone to have the same advantages in life that he had. That was his goal and it inspired him and drove his active involvement in the consideration of the education issues that would come before the House and the Senate.

JIM's passion for education not only drove his work on the subject in Congress, but it also led him in the years to come to serve as a tutor at a public school on Capitol Hill each week as part of a literacy program he created. That program reaches out to involve us all in supporting our public schools. Its philosophy is simple. Anyone can make a difference in our schools. All it takes is a little investment of our time and a willingness to share our talents with the students of a local school.

Not long after JIM had taken his oath of office in the House, he began working on what was to be one of his greatest successes, the Individuals with Disabilities Education Act, or IDEA as it has come to be known. Over the years IDEA has ensured that students with disabilities have equal access to a good education—and a promising future. Thanks to this landmark legislation those living with disabilities will receive the education, support and encouragement we all need to help us become all we can be and reach our full potential in our lives.

As he served in the House, JIM's commitment to working today to make things better for us all tomorrow led him to fight for meaningful environmental protections, a more effective and responsive health care system, and a sound fiscal budget that didn't overspend our present resources and leave a bill behind for future generations to pay.

That is the philosophy that directed and guided JIM when he ran for and won a seat in the Senate in 1988. It wasn't long after he had taken the oath of office for his new position that he began working on the reauthorization of the Clean Air Act—another part of his legislative passion that will continue to be a key part of his legacy in the Senate. Even though he had just

begun his service in the Senate at the time, his good ideas and commitment to the protection and preservation of our natural resources made him an important part of the team that would write and promote this important bill.

No one was surprised that JIM was a key Member who was involved in so many difficult and important projects as soon as he arrived in the Senate. He preceded me as Chairman of the Health, Education, Labor and Pensions Committee and, under his leadership the committee took a close look at our schools and the quality of the education we provide our children. It considered how we might improve the training we provide our Nation's workers so that they might find and keep better and better jobs. And, it continued to look for ways that we might provide support and empower those living with disabilities so that all Americans are able to maximize their potential and live their own version of the American dream.

Back home, JIM has deep roots in his State that date back for generations. His father was a Chief Justice of the Vermont Supreme Court and I am sure he learned a great deal about politics, life and the law from his Dad.

In addition, coming from Vermont, JIM has a great understanding of the challenges faced by small and rural States and the local industries they depend on to keep local and State economies healthy and strong. It has been said that JIM knows as much about the dairy industry as anyone directly involved in it in his State. He knows firsthand that one size fits all solutions that work well for the big States, all too often penalize the smaller ones and leave them without the support they need to address the same problems the large states face.

In the years to come, when I think of JIM I will remember how he shared his dream of a better America with us. By daring us to dream, too, he encouraged us to work together so that the future would be a brighter one for us, our children and our grandchildren.

There is an old saying the Native Americans in Wyoming know well. We have not inherited the earth from our ancestors, we are borrowing it from our children. It's a philosophy that JIM took to heart and put into practice every day during his many years of public service.

Mr. ENZI. I ask unanimous consent following my remarks and Senator DAYTON for 20 minutes, Senator HATCH be recognized to speak for up to 15 minutes.

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

HIV/AIDS TREATMENT

Mr. ENZI. Earlier this afternoon, there were comments made in the Senate by the Senator from New York, Mrs. CLINTON. Some of those comments distressed me a little bit. We have been trying to get the Ryan White Care Act, which passed out of committee and passed on the House floor, to pass in the Senate. This is one of those rare bipartisan, bicameral bills. We worked it out in advance with the House so the bill the House passed is essentially the bill we passed out of committee. It is a modernization act that would ensure equitable distribution of funds for HIV/AIDS treatment in the United States.

I am compelled to discuss some of the points that the Senator from New York made today about the Ryan White Care Act and our bipartisan bicameral legislation. I will talk about each of her claims in turn.

Senator CLINTON claimed that when you look at the funding for the whole bill, New York is not receiving the most funds per case. I don't doubt those figures. However, those are deceptive numbers. As an accountant, I have to point that out. They are deceptive for two reasons. First, her statement dealt only with funds per AIDS case. We have been talking about including HIV cases as well. Why would she neglect to include HIV? I assume it is because 25 States have 50 percent of their HIV/AIDS cases not being counted today because those individuals have HIV, which has not progressed to AIDS.

Please note that all of my numbers have included both HIV and AIDS. We must include HIV in the funding formulas. Before, including only AIDS made sense because we were just waiting for people to die. Now, we have lifesaving treatment for those with HIV; therefore, we must count each person who can receive lifesaving care.

Additionally, Senator CLINTON is looking at more than just the formula funding. Her figures include funding for community health centers, health care providers, providers who reach out to women and children. Thus, her figures include a lot of extra funding that is not at the heart of the debate.

If Senator CLINTON wants to rely on these numbers, numbers outside of the formulas, then she can do so under the current bill. She can trust that the other portions of the CARE Act will assist those who she is saying are being harmed by the bill.

As for her claim that her State has not spent Ryan White funds for things such as dog-walking, I will note that the Senator from Oklahoma provided information for the record regarding that.

Now, Senator CLINTON further claims that New York only carried over $3 million. Well, I find that surprising, given that New York, on the average, has carried over $29 million.

Mr. President, I ask unanimous consent to have printed in the RECORD a document from the Health Resources and Services Administration documenting the funds carried over for New York.

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

NY State

STATE	Unobligated Balance Reported in 2000 FSR		Unobligated Balance Reported in 2001 FSR		Unobligated Balance Reported in 2002 FSR		Unobligated Balance Reported in 2003 FSR		Total UOB Reported in 2000-2003 FSRs		**Total Carryover Approved 2000 through 2003**
	Total Grant	ADAP	Total Grant	ADAP	Total Grant	ADAP	Total Grant	ADAP	Total Grant	ADAP	
NY	10,985,299	5,790,467	16,724,776	1,934,242	10,315,744	5	11,453,377	3,963,811	49,479,196	11,688,525	**49,479,196**

NJ State

STATE	Unobligated Balance Reported in 2000 FSR		Unobligated Balance Reported in 2001 FSR		Unobligated Balance Reported in 2002 FSR		Unobligated Balance Reported in 2003 FSR		Total UOB Reported in 2000-2003 FSRs		**Total Carryover Approved 2000 through 2003**
	Total Grant	ADAP	Total Grant	ADAP	Total Grant	ADAP	Total Grant	ADAP	Total Grant	ADAP	
NJ	11,653,218	3,797,453	21,198,760	1,739,260	12,963,836	0	2,663,420	0	48,479,234	5,536,713	**46,880,072**

NY EMAs

Grantee	Unobligated Balance Reported on 2000 FSR	Unobligated Balance Reported on 2001 FSR	Unobligated Balance Reported on 2002 FSR	Unobligated Balance Reported on 2003 FSR	TOTAL UOB Reported from 2000 through 20003	**Total CARRYOVER Approved**	Total UOB Remaining from 2000 through 2003	2003 Available UOB for use in FY 2005	2000 to 2002 UOB to be returned to Treasury *
NEW YORK, NY	$10,422,057	$15,880,794	$6,412,834	$3,579,765	$36,295,450	**$36,197,673**	$97,777	$1	$97,776
DUTCHESS CO, NY	$48,244	$109,003	$102,348	$89,751	$349,346	**$349,346**	$0	$0	$0
NASSAU, NY	$448,085	$471,690	$332,182	$337,815	$1,589,772	**$1,536,531**	$53,241	$10,486	$42,755

NJ EMAs

Grantee	Unobligated Balance Reported on 2000 FSR	Unobligated Balance Reported on 2001 FSR	Unobligated Balance Reported on 2002 FSR	Unobligated Balance Reported on 2003 FSR	TOTAL UOB Reported from 2000 through 20003	**Total CARRYOVER Approved**	Total UOB Remaining from 2000 through 2003	2003 Available UOB for use in FY 2005	2000 to 2002 UOB to be returned to Treasury *
PATERSON, NJ	$403,012	$414,756	$1,255,069	$433,246	$2,506,083	**$1,244,479**	$1,261,604	$433,246	$828,358
HUDSON CO, NJ	$746,655	$870,737	$967,769	$563,025	$3,148,186	**$2,707,170**	$441,016	$441,016	$0
MIDDLESEX CO, NJ	$159,552	$192,164	$7,748	$49,680	$409,144	**$409,144**	$0	$0	$0
NEWARK CITY, NJ	$20,653	$169,921	$571,049	$62,895	$824,518	**$180,572**	$643,946	$62,895	$581,051
CUMBERLAND CO,NJ	$10,087	$75,903	$106,014	$50,660	$242,664	**$192,004**	$50,660	$0	$50,660

Mr. ENZI. Now, the Senator from New York mentions her 1-year extension bill. I will also discuss the Senator's 1-year extension, her resolution for Ryan White, her solution that would simply delay the reauthorization for another year. It simply says to those States that have not been getting adequate funds: We do not care about you, and you are not going to get adequate funds. We are going to redebate all of this again next year. We are not even going to move toward making it fair.

The underlying bipartisan, bicameral bill has a provision providing 3 years of hold harmless funds for New York. For 3 years, New York will not have to follow the formula. They would like to have 5 years. The 3 years already in the bill is at the expense of the other States. The 5 years would be at the expense of the other States, although I will cover a question that was asked yesterday in a little while.

This is not a time to delay. This is a time to act. We absolutely cannot delay the much needed updates to current formulas that ensure that all Americans with HIV and AIDS are treated fairly and have access to life-sparing treatments no matter their race, their gender, or where they live.

We have a chart that shows the losses that would occur under current law versus the gains that would occur after this reauthorization. The red States here are going to lose significant funding under the current law, beginning on October 1. One hundred thousand Americans are going to be left out. The chart on the right, the blue chart, shows the gains under the Ryan White authorization. All States gain except five, who lose less funds under the reauthorization than they would under current law. Only two of the five are asking for a difference.

The time is now or never. As soon as the clock strikes midnight tomorrow, thousands of Americans will begin losing access to life-sparing treatment unless we pass this bill now. This amendment does not address this fact. This amendment would extend a formula that will cause dramatic reductions in funding to many States and thousands of Americans.

The House has passed this critical legislation, and now five Senators must decide if they will stand in the way of bipartisan legislation with broad support—a bill that will ensure equitable treatment for all Americans living with HIV and AIDS. I would say, I believe that is down to four Senators now.

Now, my second problem with the bill of the Senator from New York is that it shuts out Americans infected with HIV and does not provide them with equal access to treatment. Rather, it focuses on outdated funding formulas that only examine AIDS, not the full spectrum of the disease.

Just like her numbers on funding per person, the Senator from New York refuses to acknowledge those with HIV. This chart shows that today, in over 25 States, half of the cases in those States are not counted because those Americans only have HIV, not AIDS. These States receive funding for less than half their total HIV/AIDS cases because of the current, outdated, failed formula. Half the Nation does not receive enough funds to provide the most basic care to their residents. Now, my third problem with the bill of the Senator from New York or the Senator from New Jersey is that it ducks the key issue. Rather than more equitable distribution for funding and more equitable access to treatment for all Americans, my colleagues supporting this bill are simply throwing more money at the problem, assuming it will ensure more equitable access to lifesaving treatments. We know this is simply not the case because it does not solve the inherent flaws in the funding formulas.

Now, this chart shows that under the current law, more than 3 percent of Ryan White funding is returned to the Treasury each year. That is more than 3 percent—much of this coming from New York and New Jersey, the very States that objected to the passage of the bill that would more equitably distribute funding across the Nation.

Again, you will see here that under the current law, New York is receiving $509 per case more than the national average. Under the new bill, they would still get $304 more than the average case per person across the United States. And they have an average $29 million unspent. New Jersey, the other State, is receiving $310 above the national average. They would still get $88 above the national average. This bill does not get to equity. This bill moves toward equity. And it does not move there until 3 years from now. Other bills we have done start transitioning immediately.

Now, I am surprised that the Senator from New York or New Jersey would offer a bill to increase funding, ignoring the outdated formula issues, only to increase the inequity of the program and allow more funds that could save lives to be returned to the Treasury each year. Why would we offer more money to States that are already grossly overpaid and unable to spend their money and increase the disparities of outdated funding formulas, further harming those States with an emerging crisis?

This amendment would have us give a few States even more money than they are receiving now, while the majority of the States will receive significantly less funding over the next year. The Senators from New York and New Jersey want to extend this inequity rather than fixing the formula, fixing the formula now, fixing it before the tomorrow-night deadline, to allow fair and equitable treatment and access to care for Americans who have none now.

I can tell you that the HIV/AIDS community and families want this bill now. Now, perhaps my colleague can explain why she wants to give more money to States that cannot spend what they already have, while taking money away from States that are struggling, as we speak, to provide the basic life-sparing treatments to their residents. We are talking about life and death here. It seems they want to throw money at States where the epidemic started and ignore the areas where the epidemic has spread, underfunding areas in a growing crisis.

When you look at the money being spent, what we are talking about in this amendment is saving institutions, not saving people, not saving lives. This is not an economic development bill. This is not meant to assure that institutions that might be interested in providing these services still get the same amount of funds to do so even though they do not have as many people to provide the services to as they are being paid for.

I wish putting more money into the program could fix these inequities but, unfortunately, these inequities stem from outdated funding formulas and a lack of accountability. We must address the problem at its core and ensure that we are not denying the growing number of minorities and women living with HIV and AIDS equal protection under the Ryan White CARE Act.

Now, another comment by the Senator from New York was that she needs more money because it is more expensive to provide care in New York. The big cost driver is HIV/AIDS medication, costs that are similar in every State. Therefore, I do not understand that claim, unless it is protection of the institutions rather than the people.

I have another unanimous consent request that I intend to propound, and I, again, am hoping that someone will be here to object who is actually objecting to the bill instead of sending a surrogate who has had to go through this ritual several times already, even though he supports the bill, because the request earlier, of course, was to have a chance to vote on the bill of the Senator from New York and the Senator from New Jersey. And I am going to offer that. I am going to offer a short time for debate and a vote on that and then a vote on the bipartisan, bicameral bill that has already passed the House.

I am hoping that somebody actually involved in the substitute bill will come to the floor to either agree or object. That should be fair. They can have a vote. It seems reasonable to me. But it really ought to be the people offering the amendment who say they have the better idea, even though it leaves out the HIV folks, hundreds of thousands of Americans. This amendment doesn't even provide a quick fix for 1 more year, because it keeps the flawed formulas that will cause tremendous funding shortfalls in place. They will come back in another year then and ask for 5 more years of being held harmless.

I want to get a vote on the bill that includes HIV and follows the patient.

We need to do that. We need to do it today, not tomorrow, not next month. Tomorrow night, a bunch of States will be in crisis—and their residents with HIV/AIDS will begin losing access to care. I would imagine in their amendment they have slipped in a little thing to protect the States that will fall into a trap tomorrow. But let's not just throw money at the problem, let's do the right thing for the long-term, for the entire Nation. Let's solve the formula. Let's do what we have done on a number of other bills that have gone through my committee, which is to look at the formula and say: What is fair to all the States?

I have to say, there are some people on my committee and others in this body who have said: If I look at the charts and I see what is happening to my State, yes, I may lose some money, but we are trying to come up with a solution that solves a problem across this country. And that is what we are here for, to solve problems across the country. I can tell you that the HIV/AIDS families and community want it to be fair and want the bill we have been asking unanimous consent on for several days now.

So I will be asking for unanimous consent. I will throw in this opportunity to have a vote on the other bill, to see if people want to do more of the same or if they want to fix this over a period of time, again, holding all States harmless for 3 years before we move into a transition to full fairness.

Just last night the House passed this critical, bipartisan, bicameral legislation by an overwhelming bipartisan vote, 325 to 98, and sent it to us to act upon it immediately. The House understood the critical, time-sensitive nature of this legislation. Now the Senate must act quickly to reauthorize this critical program by September 30; otherwise, hundreds of thousands of individuals in States and the District of Columbia will lose access to lifesaving services. The only thing standing between us and the President's signature to enact this bill is a Senate vote on the House bill—or perhaps a Senate vote on the possible substitute amendment and then a vote on the House bill.

Now, I have asked the Senate to move this critical legislation two other times. Currently, four Senators from two States are blocking a vote and thus may prevent many individuals and families from receiving critical AIDS and HIV treatment under a more equitable program.

I appreciate the number of my colleagues who have been on the floor to talk about the people in their States who are dying because they are on a waiting list and cannot get the treatment, because they have had huge influxes of population, huge increases in the number of people who have been infected by HIV and AIDS. We cannot let that happen. We cannot continue that. We cannot continue to say: Well, if we have been shipping money to one part of the country, we are going to continue to ship money to that part of the country even though the problem has shifted. So four Senators are blocking us.

Mr. President, I would like to take this opportunity to recognize the hard work of the Senators from California on this legislation. I appreciate their willingness to continue to talk to us to address their concerns. They have indicated they are no longer objecting to this legislation. I thank them. However, this bill, due to other objections, is still not moving forward.

This legislation ensures that Federal moneys are distributed more fairly and the dollars will follow the person. This is something our outdated funding formula failed to do. Hundreds of thousands of people living with HIV and AIDS, who live in these States, will be needlessly harmed if a few Senators continue obstructing good policy.

What is more, these four Senators will not come to the floor to defend their objection to this critical legislation at a time when we are talking about it. So today I will ask again for the Senators from New York and New Jersey to come to the floor themselves, lodge their objections, listen to the unanimous consent request, where I am going to offer them the right to have a vote on their bill, in exchange for the right to vote on the bill that came out of committee—the bill that is bicameral and bipartisan.

Now, as part of the unanimous consent request, I am also allowing those Senators to offer that amendment, of course, the opportunity for them to put forward their best solution for dealing with the concerns they have. We have run hundreds of programs trying to come up with the most equitable way to do this. The one we are presenting is the one we found that had the most people to support it. I was told this is identical to the bill introduced by the New York and New Jersey delegations this week. That is the amendment we would be voting on. This bill and/or amendment is not a solution; rather, it is a harmful delay, putting off what we should and must do today.

These States simply raise objections about what funds are received this year compared to last year. These States were grossly overpaid last year and will continue to be overpaid next year. However, they will no longer be grossly overpaid under the bill I am proposing. These few Senators keep saying they will lose money under the reauthorization. No matter the dollar formula they say they may lose on a given day, it doesn't add up to the amount of dollars they would stand to carry over from the current flawed formula. The State of New York would carry over an average of $150 million over 5 years.

According to GAO data, even with the formula adjustment that will allow for more equitable treatment, save lives in more places, New York would still carry over about $115 million based on their past spending. In the past, New York and New Jersey have been able to under-spend hundreds of millions of leftover dollars. At the same time, 25 other States are struggling to provide even the most basic life-sparing medications to their residents living with HIV/AIDS. Because of the current flawed formula, this amendment doesn't even count Americans living with HIV. New York can afford to generously offer more than 495 different medications to their residents. That is 23 times the number of medications that Louisiana is able to offer their HIV/AIDS residents because of a lack of appropriate funding. While New York offers a range of elective drugs, many other States are unable to provide the basic life-sparing treatments that every American should have access to. This is indefensible. New York carries over an average of $30 million each year; yet, 25 other States are having significant difficulty providing the basic drugs to all of its eligible residents. Eleven States have waiting lists—that is right, residents in 11 States are unable to receive life-sparing treatments because their States do not receive appropriate funds.

New York, in 2005, spent an astonishing $25 million on administration costs for just two titles of this law. That is more than the entire amount of money received by 38 States in 2005 for those two titles to provide care to their residents with HIV/AIDS. This inequity must be addressed, and it is addressed in this reauthorization. Stalling now because a couple States stand to lose a fraction of the money they already cannot spend is indefensible. Lives are at risk and a solution is on the table today. A solution has been passed by the House and is before us now.

I hope those four Senators will defend their objection and allow a vote on their amendment. The continued expansion of the AIDS epidemic in this country is a certainty. While the epidemic continues in the urban areas in the country, the number of new cases not diagnosed in small urban, suburban, and rural areas are reaching alarming levels. As the epidemic expands in all these areas, local health care systems have often been unable to meet the growing demands for medical and support services.

The problems created in rural areas are often similar to those experienced in large cities. However, these problems are exacerbated by poor health care infrastructure and limited experience with HIV/AIDS care. The lack of trained primary care providers, the absence of long-term care facilities, the scarcity of resources, and a scattered population are additional obstacles that may be faced in a developing, coordinated outpatient service program.

If New York thinks it is more expensive to handle a new problem, they ought to deal with the distances these people have to travel in some of the rural areas to get care for some of the most basic ailments. Small areas are

also often not able to provide the specialized services required by some persons with HIV. When primary services are unavailable, individuals and families must travel long distances to receive the necessary care. Furthermore, rural health care systems must address not only the epidemic but also other conditions, including substance abuse, mental illness, and sexually transmitted diseases which they may be poorly equipped to deal with.

Thus, as we think of the problem today in its expansion into rural areas, we must provide the same effort to those areas we did for urban areas in the early 1990s. We must target resources to those in need and assure that those infected with HIV and living with AIDS will receive our support and our compassion, regardless of their race, gender or where they live.

Finally, I want to answer the question posed by the Senator from Minnesota last night. Senator DAYTON asked what it would cost to give these States, over the next 5 years, the same amount of money as they receive presently. Alarmingly, to keep those States whole, it would cost $614 million a year. That is over half a billion for the next 5 years.

It is not possible just to provide increases to New York and New Jersey due to the funding distribution; therefore, to ensure that everybody receives as much money per person with HIV that New York is currently receiving, it would cost over $3 billion—if we went to equity, it would cost $3 billion, or a 30 percent increase in Ryan White funding to maintain States' funding level that are grossly overpaid and unable to spend the money they do receive.

Our obligation as Senators is to the people of the United States. We still have four Senators who continue to obstruct the Senate from passing a bill because of the September 30 deadline—a bill which passed the House 325-to-98, a bill that can save more than 100,000 lives, including the lives of the growing number of women and minorities who are afflicted by this devastating disease, and provides the money to where it is needed most.

As I said last night, this is not an economic development project. The bottom line is simply, where States have more people with HIV/AIDS, they should get more money. Where States have less people with HIV/AIDS, they should get less money. As we all know, the Ryan White program provides critical health care services for people infected with HIV and AIDS. These individuals rely on this vital program for drugs and other services. We need to pass this legislation so we can provide them with the treatment they desperately need.

I urge the Senators who are holding up the bill to stop playing the numbers game so the Ryan White CARE Act funding can address the epidemic of today, not yesterday.

I ask the Chair how much time remains.

The PRESIDING OFFICER. The Senator has 20 minutes remaining.

Mr. ENZI. Mr. President, I will yield 5 minutes to the Senator from Alabama, Mr. SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator. Chairman ENZI has done a fine job, and he is known for his fairness and his hard work. Under his leadership, State after State has agreed to this new and fairer formula. Unfortunately, we have a few privileged States who want to maintain an extraordinary funding stream and are denying funding to the other States that are in crisis today.

I have spoken with Kathie Hiers, the director of AIDS Alabama, who is very articulate on these issues, Mary Elizabeth Marr, who runs the AIDS center in Huntsville, and Jane Cheeks, the State AIDS director, and they have explained to me how unfair the current system is.

Mr. President, I could not be prouder to serve on the committee with Senator ENZI, and I greatly appreciate his leadership to help those of us whose States are facing a national crisis.

I would like to briefly show this chart and make a few points. Senator HATCH, who wrote the Ryan White Act, is here. Ryan White was from Indiana. He was not from a large city. But Senator HATCH considered the AIDS challenges facing America, and at the time, this disease appeared to be a greater problem in bigger cities. The whole Nation contributed money to fight this epidemic in the crisis area cities.

The money that was spent fighting AIDS in these cities had a tremendous impact. However, the geography of the disease has changed. Where is the growth of AIDS today? Where are the surging numbers? HIV and AIDS are increasing at a greater rate in the South. Seventy percent of the new HIV cases in my State are African Americans, and the greatest growth rate by far is among African American women. My State is not receiving adequate funding to treat the greater numbers of people in our State that are living with HIV/AIDS.

I would like to again point out that the formula used to determine funding has a number of serious flaws. One of these flaws is that we count AIDS cases for funding, but we do not count HIV positive cases, despite the fact that HIV is the precursor to fully-developed AIDS. In contrast to the early years of this disease, we have medicines that can be given to people who have HIV before it has developed into AIDS. These drugs have been proven to delay the onset of AIDS so that the people that have access to them can live a more healthy life.

How is it possible that we are not including the people who have HIV in the funding formula?

These are the people that need to be put on medicines at once. We now know that a pregnant women who has HIV will give birth to a child without AIDS if she is given the right medicines. However, if she is not given these drugs, she faces a greater probability that her child could be born with AIDS. This clearly is a very serious, life-and-death issue, and one that we must confront. We have continued to be generous with AIDS funding, but that generosity certainly would require that we shift the money to follow the disease. The money should not follow bureaucracies and established systems where it cannot be spent. For example, New York was not able to spend $29 million last year, yet under the same formula, Alabama receives only $11 million for the whole State for the entire year. The money that they had and were unable to spend is nearly 3 times more than our complete funding, yet Alabama has waiting lists for people who are in desperate need of these drugs. The people on our waiting lists must wait before they can become eligible for these drugs because we don't have enough money to pay for them. We cannot afford to pay for more than 40 drugs in Alabama, but New York is able to provide nearly 500 drugs to their AIDS patients. This is just not right.

To conclude, I find it unfortunate that we have seen such partisan, parochial interest in protecting those who receive excessive federal benefits when these benefits are no longer justified. The U.S. Government and the American people were generous to New York, San Francisco, and other big cities. We saw that these cities were in a crisis with this disease, and so we gave them a disproportionate amount. These cities are not entitled to keep forever the benefits we have been giving, and now we are experiencing crises in other States. I think it is a sad day indeed that there are Senators blocking this reform and blocking the re-authorization of the act.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I thank the Chair and yield the floor. I would like to note my appreciation for Senator HATCH and his leadership on this issue.

Mr. ENZI. Mr. President, I yield 10 minutes to the Senator from Utah, Senator HATCH, who has been actively involved in the HIV/AIDS discussion for years. In fact, he selected the Ryan White name for this bill many years ago when he chaired this committee.

Mr. HATCH. Mr. President, I thank my chairman. I am grateful to be with him on this bill. I am one of the prime authors of the Ryan White Act. I stood here on the floor, with Mrs. White sitting up in the gallery, and recognized it and named it the Ryan White bill.

I rise again to support the effort to call up and immediately adopt S. 2823, the Ryan White HIV/AIDS Treatment Modernization Act. I thank our chairman and others who worked so hard on this bill to bring it here.

It makes no sense that this product of bipartisan, bicameral effort should

be held up at the eleventh hour by Members representing only two States—three at one time, but at least the two Senators from California backed off and now realize that they are not doing what is right here.

Given that the theme of this bipartisan, bicameral effort was to craft something that would help even out the playing field for all U.S. States and territories, it makes even less sense for these holds to be placed on behalf of States that currently enjoy substantially generous funding. In some areas of these States, the funding is so generous that we have heard reports of Ryan White dollars being spent on dog-walking services, haircuts, candlelight dinners, and four-star hotels. I, for one, am pretty fed up with it, and to have four liberal Senators on this floor holding this up is just outrageous.

Furthermore, some States carry over millions of unspent dollars every year, and some continue to receive funding for people who are no longer living. This is happening while people die in areas where the epidemic is newer because under the current Ryan White structure, their location dictates that they should receive less money for care. This reauthorization bill would fix that broken program structure.

Let me make it clear that my home State of Utah does not stand to gain large increases in funding. Our State AIDS director understands and supports the need for equity within the program. Due to efficient administration of the Ryan White program, Utah is able to manage its funding so that it can—just barely—avoid an ADAP waiting list for pharmaceuticals. Utah can do this even though it receives an average of $1,315 less per patient in Ryan White funding than does New York, $1,330 per patient less than New Jersey, and $843 per patient less than California, just to mention three States. The New York and New Jersey Senators are holding up this bill.

I could go on and on about this because there are really only about five States that receive less funding per patient than Utah. But I am not going to do that, and that is precisely my point. My point is that this should not be about who gets the most money. I find it disconcerting that I have to point out, once again, that this program assists people who could die if it is not reauthorized this week. It is as simple as that. I have received numerous letters from the HIV/AIDS community urging that the Senate reauthorize this program before it adjourns this week. I also remind my colleagues that President Bush has charged Congress with reauthorizing this program.

Last night, the House passed H.R. 6143, the Ryan White HIV/AIDS Treatment Modernization Act of 2006, by a vote of 325 to 98. The vote total includes over half of the House Democrats voting for this bill. What happened to the other half? They are always out here talking about compassion and talking about reason and talking about how good they are to the poor. Here is a chance to do some good for the poor. We worked hard to get everything together on this bill, and we have four liberal Senators holding it up. It is ridiculous.

I am the coauthor of three of the AIDS bills. I remember when we brought the first one to the floor. It was a big battle. I was the conservative who stood up for it. We finally won, and we won on all three of them. Like I say, I named this bill the Ryan White bill right here on the floor of the Senate.

As I mentioned, the House passed its bill last night with overwhelming bipartisan support. I implore my colleagues in the Senate to do the same, to work in the best interest of the entire Nation and pass this reauthorization.

I am really upset about it, and I think everybody ought to be upset about it. Sometimes we get extreme worrying about who gets the money and who gets this and who gets that. New York and New Jersey are not being mistreated here. Some States will always think they are not getting enough money no matter what we do here. We have to work on this.

Mr. President, I yield the floor, and I thank my colleagues for their forbearance.

Mr. ENZI. Mr. President, it is my understanding that I have 9 minutes remaining?

The PRESIDING OFFICER (Mr. ENSIGN). The Senator is correct.

Mr. ENZI. I thank the Chair, and since there is a Senator now here from one of the two states objecting to us moving on with the Ryan White HIV/AIDS Treatment Modernization Act, I would like to propound the unanimous consent.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6143, which was received from the House. I ask unanimous consent that the only amendment in order be an amendment by Senator LAUTENBERG, which is the text of S. 3944, with 30 minutes of debate equally divided. I ask consent that following the disposition of that amendment, the bill, as amended, if amended, be read the third time and passed, a motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Mr. President, we just received this proposal about 15 minutes ago. This is a monumental issue, very important to my State and others. Therefore, I must object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. ENZI. Mr. President, I am sorry to hear the objection. We have been trying to find a way, any way, to be able to move on to a vote on this bill that is bipartisan, bicameral. It has already passed the House and I am sure it would pass here. So I am really disappointed.

Mr. President, I allocate 5 minutes of time to the Senator from North Carolina, Mr. BURR.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, I thank the Chair. I am amazed to hear that some have just become familiar with this bill. It has been negotiated in a bicameral, bipartisan way. It is the same bill that we have moved out of the committee and now the House has passed it without opposition, and we thought it just right to pick up the House bill.

But let me back up, if I can. Currently, New York offers over 500 Medicaid options to their HIV/AIDS patients. West Virginia has less than 50 options for medication. Now, this disparity is not because West Virginia doesn't care about people with HIV and AIDS; this disparity is because New York and New Jersey and other States with Title I cities receive more money per person than the other States. This just is not fair.

Why do some States offer 400 drugs to their residents with HIV/AIDS when other States keep waiting lists for individuals who need the most basic life-saving drugs? Well, in 2005 North Carolina contributed 40 percent of the cost for every individual who qualified for ADAP. ADAP qualification in North Carolina is 125 percent of poverty, $9,200. In contrast, the same year, New York contributed 16 percent of the total ADAP funds, and New Yorkers, under 460 percent of poverty were eligible for Federal ADAP funds. New Jersey contributed only 14 percent of their total ADAP funds used, and residents of New Jersey, under 500 percent of poverty, are eligible for Federal funds. Why? Because the Federal funds that we supply under this formula are so rich to New Jersey and to New York that a person with an income of $47,000 a year is eligible for Federal medication on ADAP, but not in North Carolina. If they exceed the $9,500 income mark, because of our limited amount of dollars, they are no longer eligible.

In 2004, in a clinic in Charlotte, NC, there were 547 patients who made 2,362 clinic visits. That is a little over 4 times a year. But we are told by individuals from these States that have more money than they can use that they couldn't possibly tell us how many real HIV/AIDS patients they have in their State in a 3 or 5-year period.

The suggestion was made today that we delay this for another year so that we would have an opportunity to work out some of this and they could see if they could count patients. Let me suggest to my colleagues that if individuals are going into a clinic and receiving Federal aid under the Ryan White CARE Act, then you would be able to count them. If they weren't going in to receive care under the Ryan White

CARE Act, then they shouldn't be eligible and the State doesn't need the money. The fact is we are counting the people who are getting services. They don't exceed the amount of money that they get, but they would like to keep the extra. In fact, today, the reason that they would like another year is they would like to keep on counting to see if they can get their numbers up to match the amount of money that they get.

The Senators from New York don't care about the fact that in 2006 the national funding per AIDS case was $1,613. Yet in New York, the average was $2,122 per case. In North Carolina, it is a little over $1,200 a year. The other States that get a disproportionate share of money per case exist, but they acknowledge that that disproportionate share is unfair. They realize it is unequal, and so they are willing to support this bill. Let me tell my colleagues that Connecticut gets $2,887 per AIDS patient, while South Carolina gets $1,364; Minnesota, $2,903, while Arkansas gets $1,239; Louisiana, $2069, while North Carolina gets $1,166.

Mr. President, I thank those Members who are willing to support this legislation, who are willing to let their numbers help others who will die without this funding.

I yield the floor.

Mr. ENZI. Mr. President, for the last few seconds I am going to just mention that the bill by the Senators from New York and New Jersey was introduced on Tuesday. Surely they have had time to think about having that amendment debated and voted on in that amount of time. I am really disappointed that they won't give some kind of an answer that will allow a vote on that amendment. If that is what they need for cover, that is OK with me. I just need to get this done.

New York and New Jersey are stealing the future from those with HIV, and that just cannot happen in the U.S. Senate. We have to worry about all the people from all of the United States, and that is what the reauthorization would do. That is why it is important to do it. I have asked those questions numerous times now trying to find a way to bring this bill up for a vote, and am being denied in every way—I am not being denied—those with HIV, those with AIDS, their families are being denied the right to have a vote on this bill in the U.S. Senate.

The PRESIDING OFFICER. The order is for the Senator from Minnesota to be recognized for 20 minutes.

Mr. BAUCUS. Mr. President, will the Senator from Minnesota yield to me?

Mr. DAYTON. For the purpose of asking a question.

Mr. BAUCUS. Mr. President, under regular order, after the Senator from Minnesota speaks, are there other speakers lined up?

The PRESIDING OFFICER. The Senator from Texas then has 15 minutes.

Mr. BAUCUS. Mr. President, I ask unanimous consent that following the statement by the Senator from Texas, the Senator from Iowa, Mr. GRASSLEY, be allowed to speak for 20 minutes; following Senator GRASSLEY, myself for 15 minutes, and following Senator GRASSLEY, Senator MURRAY for 15, Senator HARKIN for 10, and Senator MENENDEZ for 15.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, with the understanding, Mr. President, that if a Republican Member wishes to speak, his time would be allotted in between the times of the Democratic Members.

The PRESIDING OFFICER. Does the Senator from Montana so modify his request?

Mr. BAUCUS. First of all, I would like that not to be the case—well, that automatically would be the case because Senator GRASSLEY and myself would follow Senator HUTCHISON. Following the Senator from Texas, then the Senator from Iowa, and then myself, and then I am asking following myself, that Senator MURRAY and Senator HARKIN be recognized. There will be three Republicans right in a row there already, at least two, so I am just suggesting that at least Senators MURRAY and HARKIN be able to follow myself.

Mr. GREGG. Maybe we can reserve this and discuss it for a second.

Mr. BAUCUS. I would like to lock in Senator GRASSLEY and myself because we have been seeking this for some time.

Mr. GREGG. I would like to have the opportunity to make sure the Republicans would have an equal amount of time.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, I would modify the request to suggest that following myself and a Republican Senator to be recognized, and a Republican Senator between Senator HARKIN and Senator MENENDEZ if they so request.

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

The Senator from Minnesota is recognized for 20 minutes.

SECURE FENCE ACT

Mr. DAYTON. Mr. President, I rise tonight to address the legislation that is before the Senate, the legislation that would establish a fence along the southern United States border. I intend to support this legislation, despite its serious flaws. I agree that a physical barrier is necessary along some parts of our country's southern border.

Last month I visited southern border communities in Texas, New Mexico, and Arizona, and I recognize the very serious need for additional security measures there. In El Paso, TX, for example, there is a fence along the U.S.-Mexican border for about half the city. But then that fence abruptly ends because, I was told, of lack of funding to extend it. That is nonsensical: A security fence that only covers about half of the city that it is supposed to secure.

The day before I toured this area, that one Border Patrol station in El Paso, TX had apprehended 268 people trying to enter our country illegally. That is unacceptable, and that is the reason I will support this legislation. But it is only part of the solution. I asked Border Patrol agents across the southern border, or the real experts about what is effective and what is not to protect our border and our citizens, whether a fence is a good idea. They replied that in some places it was and in other places it was not. They said it was one of several additional actions necessary for effective border control.

Yet this is the only measure contained in this legislation. It bears little resemblance to a comprehensive bill that the Senate previously passed to strengthen border security and stop illegal immigration. Its effectiveness, the border control experts told me last month, would be severely reduced by the absence of a comprehensive approach. It will further waste taxpayer dollars by mandating a fence where a fence will not be effective. In short, it suffers from the defects of being the hastily drafted, last-minute election ploy that it is, rather than the comprehensive, intelligent, and effective border security bill that our country needs and our citizens deserve.

Previous attempts to secure our Nation's southern border have failed for precisely this reason. They were only partial steps where only a complete solution will be successful. It is stupid for Congress to pass something that will fail, and shameful for Congress to do it for short-term political benefits rather than the long-term national interest. I have no doubt this legislation will pass and that it will be used by those it benefits between now and the November 7 election.

So I plead with my colleagues and with the House to finish this job when we return after the elections. Let's have the Homeland Security Committee on which I serve and other committees claiming jurisdiction to ask the border security experts themselves what else must be done to make this fence effective. Let's get the House to drop their political pre-election posturing and deal with the present and future realities of our illegal immigration problem by passing key parts of the Senate bill.

It is necessary to be tough on illegal immigration, but being tough and stupid is stupid. Let's challenge the House to get tough and smart about protecting our southern border, as President Bush has proposed and as the Senate has enacted. But let's not fool ourselves and let's not try to fool the American people that this legislation by itself will solve or even substantially reduce the very serious flood of illegal aliens crossing our southern border.

This bill is also incomplete and inadequate because it does nothing to strengthen our national security along our country's northern border, even though that border spans 5,500 miles and is over three times longer than our 1,800-mile southern border. Our northern border has not, as yet, experienced the same volume of illegal traffic as the southern border. Yet it is even more unguarded and thus unprotected. There are over 11,000 Border Patrol agents stationed along our 1,800-mile southern border. There are only 950 agents along our entire 5,500-mile northern border.

If you are what the Border Patrol agents call an economic immigrant, meaning someone who is coming into this country for a job, and you live south of the United States, you will probably try to cross our southern border. The Border Patrol agents with whom I talked last month in Texas, New Mexico, and Arizona estimated that over 95 percent of the people crossing our southern border illegally are doing so for economic reasons.

The really dangerous illegal entries are by criminals trafficking people, narcotics, and other illegal activities—and most dangerously, possibly terrorists. Our northern border is just as much a target of those most dangerous criminals, and many of them are smart and sophisticated enough to know that their chances of illegal entry are increasingly better along our northern border than along our southern border.

Border security for our Nation is not one border or the other—it is both. Yet until now most of the attention, most of the policy, and most of the funding has gone only to southern border security. As I mentioned before, there are over 11,000 Border Patrol agents stationed along our southern border, and the major training facility for all of them is located in New Mexico. But there are only 950 agents along our entire northern border and no training facility is devoted to that specialized training.

So I am very pleased that the fiscal year 2007 Homeland Security appropriations bill directs 10 percent of its funding and 10 percent of the new agents hired to be committed to our northern border. That is almost $38 million and over 150 new Border Patrol agents, which is most of what my amendment that was adopted by the Senate would accomplish. It is a 15-percent increase in the number of northern Border Patrol agents. It is an essential first step in the right direction. However, it is only a first step. Much more must be done, and hopefully will start to be done when we return in November.

I also want to comment briefly on the military tribunal bill passed by the Senate last night, a bill that I voted against. I want to be tough against terrorists, as that legislation claims to be. But I also want to be smart about it, and that bill is not. Its worst provisions would be applied not only to known al-Qaida members, but also to almost 500 other detainees at Guantanamo who have been imprisoned without trials for over 4 years, and to over 1,400 Iraqi citizens who are now imprisoned indefinitely in that country.

Many of them will be eventually found innocent of anti-American activities and will be released. However, most of them, their families, and their friends, will hate the United States for the rest of their lives after being imprisoned for months or years, denied any due process, many of them tortured or abused, and most of their families refused information about their whereabouts or even whether they are still alive.

The recently unclassified National Intelligence Estimate concluded that the war in Iraq has greatly increased anti-American feelings throughout the Arab world and has created a new generation of terrorists. The barbaric treatment of thousands of Muslims has undoubtedly fueled some part of that growing hatred toward Americans and has added to the increased threat of terrorist attacks against us.

This legislation allows the continued torture of detainees, denies them the basic rights to challenge their indefinite incarcerations, and even strips from U.S. courts their constitutional authority to review this legislation and the treatment of detainees under it.

It is absolutely untrue—let me say that again—it is absolutely untrue that providing detainees with those rights would require their release from military prisons. Under the rules of the Geneva Conventions, even if an enemy combatant could not be prosecuted, or even if he were acquitted in a trial, he could still be held indefinitely as a prisoner of war until the President of the United States declared that the war against terrorism was concluded.

Finally, providing humane and just treatment to detainees protects our own service men and women and our intelligence operatives around the world. A great Republican Senator, Mr. MCCAIN from Arizona, who was held prisoner in North Vietnam for 5.5 years and who was tortured by his captors, has said repeatedly that we cannot insist other countries abide by the Geneva Conventions and treat our citizens humanely if we do not do so ourselves. In other words, we must follow the Golden Rule:

> Do unto others as you would have others do unto you.

I believe that legislation which we passed last night, which I opposed, will ultimately be considered one of the darker acts in our Nation's history, one that has been enacted only a handful of other times and, in every one of those instances, was regretted and repudiated later because it violates the values and the principles of this great Nation.

It is the attempt of terrorists and their desire to drive us away from those values and principles within our own country, and as we treat others around the world, so we then become perceived by others around the world.

We are the greatest Nation on this Earth. We are the most powerful Nation on this Earth. We are looked to by other countries around the world as the leader of this world. We need to be true to that requirement, and we need to be true to our own values and our history. I believe we failed to do so, tragically and regrettably, last night.

Mr. President, I yield the floor.

Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER. The Senator has 8½ minutes.

Mr. DAYTON. Mr. President, I yield the remainder of my time to the Senator from New Jersey.

The PRESIDING OFFICER. Is there objection to the Senator yielding his time to the Senator from New Jersey?

Mr. GRASSLEY. He wasn't going to come in between us anyway. He wants the 8½ minutes but not right now.

The PRESIDING OFFICER. Is there objection? Is there objection to the Senator from Minnesota yielding his 8 minutes to the Senator from New Jersey?

Mr. GRASSLEY. Reserving the right to object, the only objection is about what Senator BAUCUS set up; that we were going to come in line afterwards. I don't object to him having the time.

The PRESIDING OFFICER. The Senator from Minnesota still has a little under 8 minutes on his time, and he is asking to yield that time to the Senator from New Jersey. Is there objection?

Mr. GRASSLEY It is better to let it go rather than argue about it and use it up.

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

Mr. LAUTENBERG. I thank the Senator from Iowa. I thank my colleague for yielding time, his time. I do not want to take too much time, aside from my response to what comments I heard here, but I do want to say that I regret this is among the last opportunities we will have to meet on the floor with our distinguished colleague from Minnesota, who has always been forthright on the issues, sticking up for what he believes, no matter what the penalty.

Mr. President, I want to talk to another issue. I want to respond to these challenges that I hear on television about where are the—essentially, and I will inject the word; they don't use it, but they say—cowards who won't come down on the floor to defend their position? Who are they? Challenge me on cowardice? You have to look at my record before they start that stuff.

I was an original cosponsor of the Ryan White CARE Act. That was back in 1990. I have been an active supporter of this legislation for many years now. So I do not appreciate some of the lectures I have been hearing from people who claim that this is a principled issue with them and that we are being cruel and unfair and all kinds of

things. It is nonsense. Let's discuss the issue rationally and see where they have been all these years when we have had practically flat funding on this critical issue for some 4 years now, not even meeting the growth in inflation.

I have heard lectures about the effect on minorities. I will tell you something. The National Minority AIDS Council opposes this bill and supports our objection.

I ask unanimous consent that a communication from them be printed in the RECORD.

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

THE RYAN WHITE HIV/AIDS TREATMENT MODERNIZATION ACT OF 2006

DEAR MEMBERS OF CONGRESS: On behalf of the National Minority AIDS Council (NMAC) and our national constituency of more than 3,000 minority community based organizations on the front lines of the fight against HIV/AIDS in their communities, we would like to thank Congress for its efforts to reauthorize the Ryan White Comprehensive AIDS Resources Emergency Act (CARE Act).

NMAC supports the legislation's goal to retain the current structure of the CARE Act while seeking to protect care infrastructures and responding to demographic shifts in the HIV epidemic.

However, we are concerned that the legislation, as drafted, does not address the need of all minority populations infected and affected by HIV/AIDS nationwide, and believe it needs several improvements before passage in order to gain our support.

As the nation's largest discretionary spending program aimed at providing care, supportive services and treatment for individuals and families infected and affected by HIV/AIDS who would not otherwise receive access to these services, full funding for the CARE Act is essential and the appropriate authorized funding levels should be a high priority of the Congress in the reauthorization of the law.

Unfortunately, the CARE Act has been flat-funded for a number of years, even as the rate of new HIV infections is consistently reported at approximately 40,000 per year.

Full funding for the CARE Act is critically important to communities of color that have been devastated by the epidemic. Without a fully funded CARE Act, at $2.6 billion, many men, women and children of color will not have access to this care and gaps in health disparities will grow exponentially.

NMAC supports the direction of additional funding to areas with high HIV incidence; however, with the absence of additional funding states like New York, California, Florida, Texas and New Jersey that have historically been epicenters of the epidemic may be faced with the destabilization of systems of care. We believe regions of the country should not have to advocate for additional funding to the detriment of other areas seeking to care for those affected by the disease.

NMAC is also opposed to several other provisions of the bill, including the inclusion of the Early Diagnosis Grant Program and the lack of additional funding and resources for the Minority AIDS Initiative.

If you have any concerns or questions about our concerns, please feel free to contact Damon Dozier, NMAC Director of Government Relations and Public Policy at (202) 234–5120 extension 308 or HYPERLINK ''mailto:ddozier@nmac.orq''.

Mr. LAUTENBERG. The Ryan White CARE Act reauthorization legislation that is before us now would shift already inadequate Ryan White money away from States such as New Jersey where the epidemic first appeared and where the need is still growing, to States where the epidemic is emerging.

I have been to an AIDS ward in a hospital in Jersey City. I have looked in those cribs where those little things are, twitching and moving because they come from mothers who have been HIV-infected, and the effect is horrible to witness. These are poor people.

In this State of mine we have five of America's poorest urban centers. That is where we see the dominance of the HIV/AIDS epidemic.

This bill pits cities against cities, States against States, women against men, and urban areas against rural areas. That is not the way to do it, if you really care. We need to fully fund the Ryan White CARE Act. But the majority is not willing to do that. So they are trying to steal the funds away from States that have the need and already have the population to serve.

It is less than amusing for me to hear people who oppose adequate funding for this program suddenly act like this is the primary concern to them, that everybody else who doesn't agree with them is cowardly. And these four Senators they keep identifying—I am one of the four, proud to be one of those four. If there is a newly emerging problem in rural areas, then there is one answer—add money, add funding. But instead of funding AIDS treatment, the Senators on the other side of the aisle who are not here to defend the tax giveaways or the cost of the war—they voted to give away AIDS funding money to wealthy Americans, the wealthiest among us, in massive tax cuts. That's OK. Give that money to the rich so these poor little things, shivering in their cribs, can just do with a little bit less than they have. How about, instead of the estate tax cut for Paris Hilton—substantial funds—I ask my colleagues, why don't they come out here, protest that, and say let's give that money to help people with AIDS?

The majority has allowed President Bush to turn Iraq into such a mess that we are spending over $2 billion a week. Our whole program is $2 billion a year. So why don't we cut back for a couple of weeks, give it to support treatment for HIV/AIDS. What if we could take just 1 week's worth of spending in Iraq for AIDS treatment?

We still have a massive problem in our States, and maybe they have an emerging problem. My suggestion, with all my heart, fund it. Find the money for it. But don't take it away from a neighbor or another State where the problems are overwhelming as well.

In my home State of New Jersey, we have the highest proportion of cumulative AIDS cases in women. We rank third in cumulative pediatric AIDS cases. Furthermore, we have consistently ranked fifth in overall cumulative AIDS cases since the beginning of this epidemic.

Yet under the reauthorization proposal, we stand to lose $70 million. It is unacceptable. It is not acceptable for us to simply say this is a formula fight and there will undoubtedly be winners and losers because the losers in this case pay a terrible price.

With the Ryan White CARE Act, when we talk about losers we are talking about lives being lost. I for one will not settle for such an outcome. I object to this process and to this bill because it is a shortsighted approach to how we take care of HIV and AIDS patients in the future.

This bill will take hope away from people living with HIV/AIDS to urban areas in large States. I will not let it happen on my watch, no matter how challenging or how vitriolic the suggestions are made talking as if we are afraid to come out. We are not afraid at all to defend our position. We just think theirs is wrong.

Come out and tell the truth about how you feel about it and say, let's find more money. Let's have a debate about higher funding for the Ryan White CARE Act and see if we can get the necessary means to cover our needs.

I don't think you are going to hear that from the Senators who were so bold in their accusations.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. Mr. President, I thank you. I will continue to object to going forward with this bill.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, would you signal to me when I have used 15 minutes of my 20 minutes?

The PRESIDING OFFICER. The Chair will do so.

SORRY FATE OF TAX EXTENDERS IN ''TRAILER'' PACKAGE

Mr. GRASSLEY. Mr. President, we've hit the end of the road on trying to pass the trailer bill separately. It is pretty clear we won't get a bill to the President's desk before we recess for the upcoming mid-term elections.

From my perspective the right thing to do is to pass legislation that resolves two important tax policy issues. The issues are a permanent death tax relief package and the trailer bill which contains a retroactive extension of several tax relief provisions. Those provisions expired on December 31, 2005. That is the right date—December 31, 2005. Taxpayers have lived with uncertainty on these bipartisan, widely-supported provisions for almost 9 months or three-quarters of a year.

How did we get here? How come we can't get a permanent death tax relief deal when it is clear that more than 60 Senators are on record in support of repeal or significant relief? How come we can't get a resolution of expired tax provisions that are overwhelmingly supported in both the House and Senate? This uncertainty is solely the responsibility of the leadership of both

parties here in the United States Senate.

We are stuck on death tax because the Democratic leadership won't let enough Democratic Senators vote their conscience. It's all because of political calculations. That's a shame. Family farmers and small business owners deserve an answer to the uncertainty posed by the death tax. My answer would be to repeal the death tax. Repeal isn't in the cards. We have had votes to prove it. Unfortunately, the political proof that repeal wasn't in the cards didn't materialize until the cloture vote we had back in June.

The American people deserve a final and definitive answer on death tax relief. As we go home, they have only to look to the Senate Democratic leadership and ask why the Senate was not permitted to work its will on this issue.

I want to tell the rightfully disappointed family farmers and small business folks that we will resolve the death tax problem. It should have been resolved by now. And, it will be resolved in a way that focuses on family farms and small businesses. I pledge to family farmers and small business folks, especially those in my home state of Iowa, that I will devote my energy and resources, as chairman of the Senate Finance Committee, to resolving this problem.

Let's turn to the trailer bill. It's an odd name for a bill. The bill has been held up for so long some folks have probably forgotten the basis of the nickname. I will remind you. It's a trailer bill because it covers tax provisions that dropped out of the tax relief reconciliation conference agreement. That conference agreement included the cornerstones of both the House and Senate bills. The cornerstone of the House bill was a 2-year extension of the lower rates on capital gains and dividends. The cornerstone of the Senate bill was an extension of the hold-harmless on the alternative minimum tax—''AMT''. I was pleased we covered the cornerstones of both bills. We only had revenue room to cover the cornerstones. The other provisions, principally the tax extenders, were decided to travel in a bill to follow or ''trail.'' Hence the name trailer bill.

The trailer bill took several weeks of intense negotiations. The negotiators were Chairman THOMAS for the House and Senator BAUCUS and me for the Senate. They were tough negotiations, but they produced a fair agreement. That agreement was included in the trailer piece of the trifecta. The House ratified Chairman THOMAS'S agreement when it passed the trifecta.

In my view, the agreement is closed. No items should be subtracted. No items should be added. A deal is a deal. Let me repeat that. A deal is a deal. Changes should only occur if all the parties to the agreement consent. We don't have another 5 to 6 weeks to renegotiate the trailer bill.

In getting to that agreement, I pushed hard for several Senate issues to be resolved. I'm referring to items other than the basic 2-year extension of provisions that expired on December 31, 2005. Let me go through a few of those items.

First off, there is the abandoned mines reclamation—AML—fund proposal. Senators SANTORUM, BYRD, and ROCKEFELLER took the lead in this plan. Chairman ENZI did the heavy lifting.

Secondly, there is a package of added incentives to enhance Hurricane Katrina rebuilding efforts. Senator LOTT took the lead on this package, along with the support of Senators VITTER, and LANDRIEU.

Third, there are tax relief incentives for mine safety. Senators BYRD, SANTORUM, and ROCKEFELLER argued for these important provisions.

Fourth, there is an expansion of the veterans mortgage bonds program. This is a program that the states use to provide veterans who return from combat with low-interest loans so that they can buy their families a home. Senators DEWINE and SMITH advanced these provisions.

Fifth, there is a proposal to provide a deduction for private mortgage insurance—PMI—for low-income home purchasers. Senators LINCOLN and SMITH worked hard to secure these provisions.

Sixth, there is a proposal to level the playing field between individual and corporate timber capital gains transactions. This proposal will insure that timber-growing areas and related mill towns will not be disadvantaged if the timber company is a corporation. Most, not all, of the Senators from the timber growing states in the Pacific Northwest and southeast had an interest in this provision.

These are a few of the proposals that were negotiated and resolved in the trailer package. In my role as Finance Committee chairman, I protected these Senate positions. I expect our Senate Leadership to back me as we proceed. I am protecting Senators and Senate positions, so you would think they would automatically back me. To reiterate, a deal is a deal. The House has affirmed the deal with its vote on the trifecta. There should be no backsliding on the deal.

Now, we haven't been able to move a separate trailer bill because the Republican Leadership wants to use the trailer as a ''sweetener'' for votes for death tax relief at some future point. I have been pushing for a separate bill for a lot of reasons. Some Republican colleagues have complained about my efforts, using terms like ''whining'' to describe my persistence.

Why push so hard for a separate bill, some have asked. There are three key reasons. The first is the 19 million taxpayers who may face compliance problems because of incomplete IRS forms. The second reason is the hundreds of thousands of business taxpayers who have been in limbo waiting for final approval of measures like the research and development tax credit. Third, I'm virtually certain that the leadership's strategy of trying to use unrelated ''sweeteners'' to turn Democratic votes for a death tax deal will continue to fail.

Let's go through these reasons, one-by-one.

First, take a look at the Finance Committee website. On September 13, and 26, 2006, you will find press releases that explain Finance Committee tax staff research. At my request, the tax staff looked into the effects of delaying action on the three widely-applicable expired middle-income tax relief provisions. I am talking about the deductions for college tuition, teacher's out-of-pocket classroom expenses, and State sales tax. You will see that we are talking about a group of up to 19 million tax filers being affected. Tax filers means families filing jointly and individuals filing as singles. In other words, we are talking about a lot more than 19 million taxpayers. Let me repeat that. More than 19 million taxpayers. The professional staff, all experienced tax practitioners who discussed this problem with the IRS, came to the conclusion that delaying action on extenders into the lame duck would have adverse consequences for that group of 19 million taxpayers. I won't go into details, you will find them on the website.

Let me say that serving as chairman of the Senate Finance Committee is a privilege and a responsibility. I thank the people of Iowa and my friends and colleagues in the Senate Republican Caucus for that privilege. I enjoy every day I serve as chairman, but it brings responsibilities as well. One of those responsibilities is tax policy. Now, whether an individual Senator agrees or disagrees with a particular expiring tax relief matter is debatable. We all have opinions on these things. Probably no two Finance Committee members, let alone two U.S. Senators not on the committee, agree on all expiring tax relief measures. What we ought to agree on, is that we should not deliberately, and I underline the word deliberately, take actions to unnecessarily complicate taxpayers' efforts to comply with our admittedly complex tax system. That's what delaying action on these provisions means. There's no ifs, ands, or buts. If we do not act before the 2006 IRS forms are finalized we're causing problems for these 19 million taxpayers. It's just not right.

As chairman, I would not be doing my job if I stayed silent. I had to speak out. It's my responsibility to those millions of taxpayers. Some have called it whining. Some might call it annoying. Others could call it persistence. I call it doing my job. When you are talking about up to 19 million middle-income taxpayers who are trying their best to comply with the tax system, I will whine until I run out of breath. I tried to remedy this problem by persuading my leadership to change

its mind. I did it in a way that is respectful of the rights and responsibilities of the leadership. I'm disappointed and frustrated that leadership has failed to act.

The second reason I pressed for a separate trailer bill is to deal with long-expired business-related tax incentives. These matters, like the research and development tax credit, are overwhelmingly popular in the House and Senate. Businesses have been in limbo on these provisions. We are talking about almost 9 months of limbo now and at least another month of limbo. A lot of businesses, in good faith, relied on my assurances. They relied on assurances of the Congressional leadership, made in May of this year. These business folks were assured that these extenders would be done. In my State, Rockwell-Collins, of Cedar Rapids, is taking a financial hit because of our dilly-dallying. And it is not just management that cares. Iowa is a manufacturing State and we are proud of our ''R & D.'' Thousands of Iowa employees of these companies have the right to ask why this popular provision is being delayed. Some of them could ask why something this popular is a ''hostage'' to be cavalierly shot? They could ask me if political ''credibility'' of threats is more important than a job-based incentive?

When they ask me these questions, I could blame the Democratic leadership for thwarting Republican efforts to get death tax relief. Certainly, there's truth to that defense. But, the Iowa workers, as most Midwesterners, want to know the bottom-line. Blaming the other side is fair political discourse and everyone does it. But it is not a satisfactory answer if the matter is not taken care of. We owe these companies and workers a ticket out of limbo.

I come to the third reason I pushed for a separate trailer bill. Almost 2 months ago, the proponents of the trifecta rejected my advice and decided to place the bet. I advised them publicly and privately that it would not work. I won't repeat all of that. It is in the CONGRESSIONAL RECORD of August 3. The bottom line is that the horses didn't come in on the trifecta. After the vote, being worried about the endless delay on extenders, I suggested a course of action that would ''keep the hope of death tax relief alive.'' Under the plan, the leadership would push for an early vote on the trifecta in either the form in which it failed or in a revised form. If it were to fail, I suggested we pass a separate trailer bill.

This plan would have tested, for a fourth time, whether sweeteners for key Democrats would turn their votes to favor a death tax relief package. I was convinced months ago that sweeteners wouldn't turn Democrat votes.

On this point about turning votes with sweeteners, let's step back for a second and look at the big picture. Death tax is a passionate issue. There is a moral dimension to it. Liberals tend to define any death tax relief as immoral because they argue the benefit of the relief will go to wealthy people. The political ads they produce use the actress Paris Hilton as an example.

Conservatives also look at the death tax as a moral issue. They see the death tax as confiscation of the fruits of labor and saving. It's a penalty on the rewards of hard work. From our perspective, the death tax is about small business and family farms. It's about providing one generation with a chance to pass on the results of their thrift and work to the next generation. The political ads we produce use family farm and small business examples.

So, this is an issue where folks have strong feelings. Ironically, from a process standpoint, Republicans and Democrats think alike. Here is what I mean by that comment. Republicans and Democrats want permanent relief. Most, not all, of my caucus wants permanent repeal. A few Democrats agree with that view. Because of the political calculations I referred to before, you can not find a definitive Democratic Caucus position plan on death tax relief. The Democratic Caucus is divided into three groups. Some want repeal. Some want significant relief short of repeal. Another group, probably a big majority, the liberal core, wants symbolic permanent relief and don't want to lose much revenue in doing it.

There is a huge irony in all of this. The irony is the Republican leadership's sweeteners strategy ignores this basic mindset on the death tax. Republicans will not compromise their principles on the death tax with unrelated sweeteners. Neither will the middle group of Democrats.

The ultimate evidence is record votes. As former Majority Leader Bob Dole once said, it's all about the votes. The evidence that sweeteners don't matter is on the record. Take a look at it. Timber capital gains was added as a sweetener on the first Thomas effort. It did not change any votes. There was an effort to add the pension bill to a death tax relief package. That didn't change votes and was aborted. Then, we had the third sweetener effort, the trifecta. A minimum wage hike, the ultimate sweetener, was added along with the trailer bill. It changed one vote in gross. We are not certain, that if all Democratic Senators were here that day, that, on net, the vote count would have changed.

As the old saying goes about some places, there is no there, there. The sweeteners strategy is like the places the old saying refers to. If our goal is 60 votes and permanent death tax relief, there is no there there.

Rest assured, another trifecta run will carry extra political baggage. Don't listen to me. Listen to the Democrats who have resisted the iron hand of their leadership on this issue. Senator LINCOLN has taken more heat than any single Senator in trying to get permanent death tax relief. Ask her for her opinion on this ''sweetener'' strategy. She says forcing the political votes on the trifecta set us back on getting permanent death tax relief.

Why, with the pressure of elections off, and a new session coming up, would any targeted Democrat Senator switch their vote on a bill that was designed to squeeze them? Would any of my Republican friends in the same position react any differently? Think about it.

Add to this futility another factor. Taking another run at a revised trailer bill would start an endless negotiation. If we re-open the trailer bill with the idea of adding even more sweeteners, where do we stop? How would that endless negotiation help close a deal on permanent death tax relief? The truth is trying to play trailer bill issues for more votes on death tax relief only complicates resolution of the death tax.

So, the third reason I continued to try to clear the trailer bill is that I want a clear path to a death tax deal. Combining death tax relief with other issues only complicates our ability to get a death tax relief package. There is little or no utility in continuing the failed strategy of trying to ''turn'' death tax deal votes.

Now, where do go from here? As I said a few minutes ago, I want to resolve two important tax relief issues—permanent death tax relief and the trailer bill. One package is done—it's the trailer bill. The other package needs some work, but can get done. We might even have a shot at permanent death tax relief in lame duck. If we are going to move the ball forward, we are going to have to recognize that we have two separate tax relief products. I hope all of us have finally learned that lesson. If we have learned our lessons, the trailer bill is a slam dunk. If we have learned our lessons, and, key Democrats are finally freed to do what they want to do, they will vote their conscience and their constituents' interests. If those two critical steps occur, we will get a permanent death tax relief deal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank my friend, my colleague, and chairman of the Committee on Finance, Senator GRASSLEY, for trying to do what is right, and that is to get the extenders package passed tonight. He has done an excellent job of explaining why the so-called trifecta bill—that is the standards trailer, melded in with the estate tax reform, melded in with a minimum wage reduction—just is not going to work.

Three times I have tried to urge this Senate to pass the so-called extenders. Three times the Senate disagreed; that is, I have asked for unanimous consent three times and each time the Senate said no. The objection was from the other side of the aisle.

I again thank my friend from Iowa. I think it is important to realize how vitally important it is we get these so-called extenders passed. What are they?

They are basic provisions in the Tax Code which expired at the end of last year. They expired. There is a deduction for teachers' classroom expenses, a deduction for education tuition, there is a deduction for State sales tax revenue, there is a deduction for research and development. They all expired. These are all provisions that many Americans have relied on and hope to rely on when they file their tax returns next year.

They are not in the law. It is already September 29. We have not acted to extend these. They are extremely important to an awful lot of people.

Let's just take teachers, for example. Teachers desperately want to help teach their kids. Some of them buy classroom supplies. They go down to Wal-Mart and buy supplies and they get a deduction for the classroom supplies they buy. It is important for the teachers. It is important for the kids. It is a good thing to do. It has been in the law—at least it has been in the past. It was a law through 2005.

What about tuition deduction? We all know how important that is and how much people depend on that for their education expense, particularly when tuition is going up so much. I cannot believe it, that expired at the end of last year.

This Congress, apparently, is not going to enact it. I have asked the Senate three times to bring it up and pass it, joined in by my good friend from Iowa. Three times the other side of the aisle objected. Why did they object? Because they want to tie it back into estate tax reform, they want to tie it back into minimum wage reduction. We all know that is not going to work. As the Senator from Iowa said, clearly and eloquently, we tried that many, many times and that dog don't hunt. That bird doesn't fly. It just doesn't work. It is not going to go.

What should we do, if that is not going to work, if that is not going to go? We should exercise our responsibilities and do what is right.

I have a couple of charts. I want to show everyone what the 1040 form looks like. This is the basic Form 1040 that applies to taxpayers who paid taxes in the year 2005. The two provisions at issue are highlighted here. Line 23 is ''educator expenses,'' and line 34 is ''tuition and fees deduction.'' Line 23, for educator expenses, is for teachers who spend money on classroom supplies. There are 3.3 million exercising this deduction. They want to help their kids and, obviously, lower their taxes, so they took the deduction.

Line 34 on Form 1040 is ''tuition and fees deduction.'' About 3.6 million Americans took advantage of that deduction when filling out their tax returns for the tax return for 2005.

What will happen if we do not pass this extenders provision tonight or tomorrow? First, the IRS has said their drop-dead date is mid-October. They need to know what the law is by mid-October. We will not be here mid-October if we do not pass these extenders, these provisions in the next couple of hours. We are not going to be here. If we come back in a lame duck session—November 13 we are coming back—who knows how soon it will be before we finally take up the extenders?

I suspect because these are so popular that this is going to attract an awful lot of other legislation. Maybe it is the estate tax change, wages—I don't know what it will be, but it will attract a lot of attention at the lame duck session. So that means it will probably delay.

I don't know how long this lame duck session will last. I have been here for some lame duck sessions close to Christmas, very close to Christmas. I remember one that was 2 or 3 days before Christmas.

What happens if we pass the extenders late? Here is what will happen. These lines I told you about, lines 23 and 34, are going to change. If this is the basic 1040 form—and there are more deductions than this that taxpayers can take, but these are the basic deductions and the most important deductions—line 23 is no longer a deduction for teachers classroom supplies. Instead, line 23 is ''Archer MSA deduction.'' That is only for up to 750,000 taxpayers. Compare that with what has been replaced, classroom teacher deduction, or 3.3 million teachers. And line 34, that used to be the deduction for tuition expenses. That now becomes jury duty pay you pay to your employer. How many people take a deduction because their employer pays them for jury duty?

My point is, very important provisions are no longer going to be in the law. They will not be available.

You might ask, gee, what happens if Congress passes these very important provisions—who knows when; it could be just before Thanksgiving; it could be December; it could be the first part of December—the IRS has will be mailing out the wrong forms. The forms are going to be wrong because presumably, hopefully, sometime in November or December we do what is right, we continue these provisions which means to say we do not raise taxes.

Let's not forget if we do not pass this we are raising taxes, first, on 3.3 million teachers; we are raising taxes on another 3.6 million people who file for tuition deduction. These people will find their taxes increased if we do not pass this provision.

Again, say we do pass the provisions later in the year, say, in November or December, and the wrong forms go out. Then what will happen? People will have the wrong forms. Then what will happen? Gee, the IRS, will have to figure out what to do about this. Maybe they will send out a postcard. Who do you send postcards to? They send postcards to people who filed paper returns the preceding year. A lot of people do not file paper returns. They are not going to get a postcard. They are not going to know. They are not going to know that Congress corrected the mistake it made by passing these extensions.

What about people who file electronically? What about people who buy their software, their Turbo Tax software sometime around Thanksgiving or the first part of December, getting ready for Christmas, with Christmas presents. They are not going to know. They are going to buy the wrong software. The software is not going to have the right information on it.

You add it altogether, this Congress is being highly irresponsible by not continuing—we call them extenders. There are others: the sales tax deduction. What about the R&D tax credit? There are about 16,000 businesses that use the R&D tax credit. We have reports that many companies are going to have to restate their earnings—restate them—because they cannot calculate the research and development tax credit in their financials. They will have to restate them. No company wants to restate on the down side. No company wants to do that. Even big companies have to restate them—not just small companies but big companies. They too will not be able to take advantage of this.

So I just say it is highly irresponsible for this Congress not to extend these provisions. And when I make the request we take up the trailer bill and pass it, this is not a perfunctory request. This is not some crank turning. This is real.

I think, unfortunately, there are some people in the leadership on the other side of the aisle who think: Oh, this is just a mechanical exercise. This is not a mechanical exercise. It is certainly not mechanical to all those teachers, kids who paid tuition, who want their deduction, businesses that don't get the advantage of the R&D tax credit, people who want to deduct their sales taxes that are supposed to be deductible. We are not extending that either. We are only talking about two of the so-called extenders.

Our failure to act here is going to be very costly. The IRS has to go to great expense to print corrective returns, errata sheets. They have to file statements to taxpayers notifying them of changes. Taxpayers are going to wonder: What is going on here? Do you know what else is going to happen? A lot of taxpayers, teachers, are not going to know there has been a change made. They are going to get the wrong form. The form is not going to have it on it. There are a lot of people and kids and parents who are not going to know there has been a change. They are not going to know because it is not on the form.

Somebody might make an effort to try to tell people later on, but there is a real risk of a lot of taxpayers who are just not going to know they could take deductions, and they are not going to know because they have the wrong information. And they have the wrong information because the IRS has given

them the best information they could at the time, but Congress was derelict, Congress was not responsible, Congress did not do what it should do for the American people.

I am very concerned. And, frankly, I am very disappointed. I am saddened that this Congress is, in effect, playing games. I hope very much, and I ask, I plead with the other side, at least let's hold off just a little bit. Don't immediately object. Let's figure out a way to work this out.

We have a few hours here tonight. It is very simple. These are provisions everybody has agreed on. There is no disagreement. The only problem the other side of the aisle, the majority, has is when to do it. I indicated that the drop-dead date for the IRS is October 15, so now is the time to do it—not later. We cannot couple this with estate tax repeal. We cannot couple this with the minimum wage increases. We have tried that a couple, three times. It did not work.

The dye is cast. Senators have cast their votes. So let's get on with it. Let's get on with it. Let's put those issues behind us. We do not have to deal with minimum wage or estate tax tonight, but we do have to do the extenders tonight. This is very timely.

I very much hope that nobody objects right away. Maybe we could put this off for a few minutes, maybe a half an hour or something, and plead with those who are sane, who want to do this right, to just get this package of extenders passed. So I am going to ask consent, but maybe somebody could modify the consent to hold it off a little longer while we try to work out a way to get this passed.

Mr. President, we do not apparently have the consent request printed right in front of me right at this moment. But I am going to have it later tonight. That is probably better because that means maybe cooler heads will prevail and we can figure out a way to get this passed.

I see my good friend from Arizona is standing in the Chamber. I know he would like to get these provisions passed. I know he has other considerations too, but he would like to have this provision passed, and I think everybody on the floor would like to get these provisions passed. We can deal with these other issues, but we don't have to deal with them tonight. We cannot tonight. It is too late. But everybody has agreed to this package of extenders—everyone. The chairman of the Finance Committee has been desperately trying to get this passed. I hope later on tonight, when we ask consent, we get it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized for 15 minutes.

Mrs. MURRAY. Mr. President, it is my understanding that under the current consent agreement, following me on this side is Senator HARKIN and Senator MENENDEZ, with Republicans in between.

I amend that consent and ask unanimous consent that following Senator MENENDEZ, Senator LANDRIEU be allowed to speak for 15 minutes, Senator SALAZAR for 15 minutes, Senator LAUTENBERG for 15 minutes, with Republicans in between, as per their request.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. Mr. President, reserving the right to object, would the Senator again give me that order? I missed it somehow. Let me see if I can insert myself in one of the Republican slots.

Mrs. MURRAY. Mr. President, following me is an empty Republican slot.

Mr. CHAMBLISS. Mr. President, if I could be inserted in there for up to 10 minutes, please.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I would like the same insertion, following the Senator from Georgia, in the appropriate order, for no more than 10 minutes.

The PRESIDING OFFICER. Does the Senator so modify her request?

Mrs. MURRAY. Mr. President, I modify the current request that following myself, Senator CORNYN be recognized for 10 minutes, Senator HARKIN for 10 minutes, Senator CRAIG for 10 minutes, Senator MENENDEZ for 10 minutes, a Republican Senator as designated for 10 minutes, Senator LANDRIEU for 15 minutes, a Republican Senator for 10 minutes, Senator SALAZAR for 15 minutes, a Republican Senator for 15 minutes, and Senator LAUTENBERG for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. Mr. President, again reserving the right to object, I will tell Senator CORNYN you paid him a great compliment, but that it be Senator CHAMBLISS instead of Senator CORNYN.

Mrs. MURRAY. I apologize. It is Senator CHAMBLISS. And I apologize.

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

VETERANS HEALTHCARE

Mrs. MURRAY. Mr. President, I rise to discuss how we are doing in caring for America's veterans. With our country at war, with 1.5 million Americans who have served in the global war on terror, and with many of them coming home in need of care—it is a critical question.

Last week, we got a shocking report from the Government Accountability Office, which found that the VA has misled Congress about its failure to plan for our veterans.

Based on that report and other research, I came here to the Senate floor 2 days ago and shared my concerns with the full Senate. I said that the Bush administration has not been honest with us about its failures to plan for the needs of our veterans, and that we still have a lot of work to do to get back on track. And I warned that—3½ years into this war—the Bush administration still does not have a plan to meet the needs of all the veterans who will be coming home.

In my speech on Tuesday, I said that Congress needs to provide real oversight of the Bush administration so that we can ensure our veterans get the care they have earned. For those who want to see my full remarks and all the evidence I cited, you can watch or read my speech on my Web site at http://murray.senate.gov.

This morning, the Senator from Idaho came here to the Senate floor and spoke with great passion about our veterans. The distinguished chairman of the Senate Veterans Affairs Committee took issue with some of the things I said in my remarks here on Tuesday.

I respect the Senator from Idaho. I appreciate his leadership of our committee, and I am pleased to provide more information before the full Senate. I want everyone to know that the Senator from Idaho and I have worked together on veterans issues.

I want to point out that when the VA finally admitted that it was facing a $3 billion shortfall—the chairman was first to stand beside me and find the funding to fix the problem. And I thank him for that.

I am proud to say that the Senator from Idaho and I agree on many points. We both agree that the VA provides excellent healthcare. When I was in college during the Vietnam War, I interned at the VA hospital in Seattle. I saw firsthand how dedicated and talented VA employees are.

Today, that ethic of service and commitment to quality beats in the heart of every VA employee. I am proud of the progress we have made helping the VA become a model for effective, high quality healthcare.

The Senator from Idaho and I also both agree that we have increased VA funding. It has been an uphill battle—and the facts tell me that we are not prepared for the many veterans coming home—but we both agree that we have increased veterans funding. I might point out that we in Congress provided those increases in spite of years of inadequate budget requests from the White House.

We agree that the Senate Veterans' Affairs Committee works in a bipartisan fashion under the leadership of Senator CRAIG and Ranking Member AKAKA. As I have said many times on this floor—taking care of our veterans is not a Democratic issue or a Republican issue. It is an American issue, and we all need to be part of the solution.

And finally, I couldn't agree more with the Senator from Idaho that we should focus on the facts. Those facts should guide our budgets and our policy decisions. If the facts say everything is fine, that's great. But when the facts say there are problems, we need to hear those facts, and we need to respond based on the facts.

That's why the GAO report is such a bombshell. Professional, independent government investigators found that the Bush administration has not told us the facts about its budget and planning problems.

Think about that—if the people we rely on for the facts are not telling us the truth, we've got a real problem. If they're hiding the truth, we won't be able to provide veterans with the services they need. And one of the answers has to be more oversight and more accountability, so we can get to the truth.

Let me turn to the three main points that are relevant here:

First, the Bush administration does not have a real plan to meet the needs of our Iraqi War veterans—and that failure is impacting the care we provide all veterans.

Second, the Bush administration misled this Congress and it is still not providing us with up-to-date, timely information.

And third, we in Congress need to provide real oversight and demand real accountability—or our veterans are gonna fall behind.

Mr. President, I am very concerned that the Bush administration still does not have a plan to meet the needs of our returning servicemembers. And to prove that I want to point to three sets of figures that come from the VA itself.

The first piece of evidence concerns the number of veterans the VA expected to treat this year.

For fiscal year 2006, the VA planned to take care of about 110,000 veterans from Iraq and Afghanistan. 110,000. How many are they actually treating? 185,000. So in this fiscal year—that is just about to end—the VA underestimated demand by 68 percent. And that is just for those veterans returning from Iraq and Afghanistan. If the VA had an accurate plan, they wouldn't have been so far off.

Let's go to the second piece of evidence that shows the VA has no plan. As I said, this year we are treating 185,000 veterans from Iraq and Afghanistan. How many will we treat next year? The VA estimates that it will only be 109,000 Iraq and Afghanistan veterans. We are treating 185,000 today, but the VA thinks that number is going to go down dramatically next year.

Given what we know about our continued involvement in Iraq and Afghanistan, that simply defies logic. And you have to wonder how the VA ever came up with those figures in the first place. Its projection for next year is even lower than its projection for this year. Where are they getting these numbers? Why are they so wrong?

Those are the questions we in Congress need to be asking. If the VA really thinks that next year we will have fewer veterans seeking care, it clearly has no plan to deal with those who will be coming home.

Let me turn to the third piece of evidence that shows the VA has no plan to deal with Iraq war veterans. In July, the VA told us it will need $1 billion each year for the next 10 years to care for veterans from Iraq.

But the fact is—for this year alone—we are already spending more than $1 billion. They have given us a 10-year estimate, and they are already wrong in the very first year. And the lion's share of veterans have not separated from the Pentagon yet, so it is a safe bet that demand for VA services will go up and that will require more funding.

So the VA is already wrong in the figures it provided us just a few months ago. That's because they don't have a plan.

The fact that they predicted 110,000 enrolled Iraq War veterans this year—and they are already serving 185,000 shows they don't have a plan.

The fact that they think demand for care will drop next year shows that they don't have a plan.

And the fact that we are already spending more than they said we would need for Iraq war vets shows they don't have a plan.

This is unacceptable. If we tolerate it, then we are not doing our jobs here in Congress. They don't have a plan, and we better have some oversight and accountability before more veterans end up getting hurt.

Next Mr. President, I want to turn to the facts of the GAO report that I requested. This report—prepared by independent, credible government investigators—tells us what is really happening. All of us care about the facts and we all care about getting this right, and that's why we should all take this report to heart. Unless we learn from our mistakes, we are never going to do any better for America's veterans.

In that spirit, I want to focus on four findings. First, the GAO found that the VA knew it had serious problems with its budget, but failed to notify us in Congress. Even worse, it misled us.

The report suggests that the VA could still be sending us inaccurate information in its quarterly reports.

Second, the GAO found that the VA was basing its budgets on ''unrealistic assumptions, errors in estimation, and insufficient data.''

Third, the Pentagon failed to give the VA up-to-date information about how many servicemembers would be coming down the pipeline into the VA.

Finally, the GAO found that the VA did not adequately plan for the impact of servicemembers from Iraq and Afghanistan.

For me, I think one of the most disturbing findings is that the VA kept assuring us in Congress that everything was fine—while inside the VA it was clear that shortfalls were growing.

The VA became aware it would have problems in October 2004—but didn't admit those problems until June of 2005. Veterans were telling me of long lines and delays in care.

For months, I tried to give the VA more money, but the administration fought me every step of the way. And who paid the price for the VA's deceptions? America's veterans, and that's just wrong.

Let me walk through some of the deceptions found in the report. It shows a very troubling gap between what the VA knew and what the VA told us.

According to the GAO report, starting back in October 2004, the VA knew money was tight. It anticipated serious budget challenges, and created a ''Budget Challenges'' working group.

Two months later, in December 2004, the budget group made internal recommendations to deal with the shortfall. It suggested delaying new initiatives and shifting around funding.

Two months later, in February 2005, the Bush administration released its budget proposal for 2006.

The GAO found that budget was based on ''unrealistic assumptions, errors in estimation and insufficient data.''

A week later at a hearing—on February 15, 2005, I asked the VA Secretary if the President's budget was sufficient. He told me:

> I have many of the same concerns, and I end up being satisfied that we can get the job done with this budget.

Let's remember what was happening back at that time. I was hearing from veterans that they were facing delays in care and that the VA system was stretched to capacity. But the VA continued to say everything was fine.

On March 8, Secretary Nicholson told a House committee that the president's fiscal year 2006 budget,

> gives VA what it needs.

I was hearing a much different story as I spoke with veterans around the country. That is why on March 10, I offered an amendment in the Senate Budget Committee to increase veterans funding by 3 percent so we could hire more doctors and provide faster care to veterans. Unfortunately, Republicans said no.

That same month, the VA's internal monthly reports showed that demand for healthcare was exceeding projections. That was another warning sign that the VA should have shared with us, but it didn't.

On March 16, Senator AKAKA and I offered an amendment here on the Senate floor to increase veterans funding by $2.85 billion. Once again, Republicans said no.

The next month, on April 5, Secretary Nicholson wrote to Senator HUTCHISON saying:

> I can assure you that the VA does not need emergency supplemental funds in FY 2005.

A week later, on April 12, I offered two amendments on the Senate floor to boost veterans funding. First, I asked the Senate to agree that the lack of veterans funding was an emergency and that we had to fix. Republicans said no.

Then I asked the Senate to agree that supporting our veterans was a priority. Again, Republican said no. As a

result, veterans didn't get the funding they needed, and the deception continued.

On June 9, I asked Secretary Nicholson at a hearing if he had enough funding to deal with the mental health challenges of veterans returning from Iraq and Afghanistan. He assured me the VA was fine.

So for 6 months we had happy talk that everything was fine with the VA. Then, in June—just two weeks after the Secretary's latest assurance—the truth finally came out. On June 23, the VA revealed a massive shortfall of $3 billion.

I went to work my colleagues, and we came up with the funding. But we could have solved that problem much earlier and saved veterans the delays they experienced.

By misleading us, the Bush administration hurt America's veterans. We could have provided the money when it was needed. We could have been hiring the doctors and nurses we needed. We could have been buying the medical equipment that was needed. And we could have helped keep thousands of veterans off waiting lists for care.

Here's the bottom line: The Bush administration knew about a problem back in October 2004.

They saw it getting worse, but they kept assuring us everything was fine. They worked to defeat my amendments to provide funding, and they didn't come clean until June 2005. That is unacceptable.

I think America's veterans deserve real answers. This report shows that the VA was not telling Congress the truth and was fighting those of us who were trying to help. We need to bring Secretary Nicholson before the Veterans' Affairs Committee so we can get some real answers. We need to ensure the VA does not repeat the same mistakes of the past 2 years. We owe that to our current and future veterans who sacrifice so much for us.

We need an explanation of why the VA misled us about so-called management efficiencies. The GAO found those alleged savings were nothing but hot air. This report clearly shows the Bush administration misrepresented the truth to us for 4 fiscal years, through 4 budgets, and 4 appropriations cycles about these bogus savings. And when they could not make these efficiencies a reality, they took the funds from veterans' healthcare. That is unacceptable.

The report also suggests that even in its latest quarterly reports to us—the VA is slow to report and does not provide key information we required—such as the time required for veterans to get their first appointment.

The GAO report also says that the Department of Defense failed to provide the VA up-to-date information on how many servicemembers would be separating from service and seeking care at the VA. That is really frustrating to me because I have been asking every general who comes up here if they're doing enough to ensure a smooth transition from the Pentagon to the VA.

In fact, on February 16 of last year, I questioned Secretary Rumsfeld directly. I got him to agree that caring for veterans is part of the cost of war but he had no real answer when I asked why his request for the war did not include funding for veterans.

Finally, the GAO report verifies that the VA failed to plan for the impact of the veterans coming back from Iraq and Afghanistan.

Mr. President, I would like to take a moment to respond in detail to some of the points my colleague from Idaho raised. He is a very dedicated and hard-working advocate for America's veterans.

At times, we may disagree on policy, but it is never personal. And it is my highest hope that whatever policy disagreements we may have will result in better service for America's veterans.

The Senator from Idaho said that VA healthcare is the best care in the world. And I certainly agree as I said earlier. But too often, veterans are barred from that receiving that care and are put on waiting lists.

For example in the VA Service Network that covers Alaska, Oregon, my home State of Washington and Senator CRAIG's home State of Idaho, the VA states that there are over 10,000 veterans on waiting lists for their initial appointments. There are thousands more waiting for specialty care. Veterans in need are told to wait months before they can see a doctor.

In fact—of the 21 regional Service Networks—the region that covers both Washington and Idaho is the worst at getting veterans primary and specialty care appointments within 30 days of the date requested. That data comes straight out of the VA's own quarterly budget reports. It is not my interpretation.

So great care is important, but making sure veterans can actually get timely access to that care is equally important. And that's an area where the VA is falling short.

The Senator from Idaho pointed out that we required the VA to submit quarterly reports on budget execution. He says we have received three such reports this year. That is accurate. But what the chairman did not say is what the GAO found. From page 5:

> However VA's reports have not included some of the measures that would assist Congress in its oversight, such as measures of patient workload that would capture the costlines of patient care, and the time required for new patients to be scheduled for their first healthcare appointment. Moreover, while VA has 12 months to execute its budget, it did not submit its first two quarterly reports to Congress until nearly 2 months after the end of each quarter, using patient workload data that were as much as 3 months old at the time of submission.

That is the GAO telling us that the VA's information was late and outdated. We need to demand better.

Let me comment on another statement by the Senator from Idaho. He said that we've had great success in delivering service to veterans. Then he said this:

> it doesn't mean that every veteran got exactly what they wanted the moment they asked for it.

That has never been the standard. The question is this: Can veterans who need help get it when they need it?

The evidence I have seen suggests we have got a long way to go. On Tuesday, I shared with the Senate the story of a soldier in Virginia who is back from serving our country in Iraq. He can't sleep at night so he called the VA for an appointment. They told him he would have to wait 75 days to see a doctor. That is unacceptable. Ensuring that veterans get timely care—especially for mental health services—is a dire need.

Again, don't take my word for it. Remember what a VA undersecretary said in medical journal recently—that mental health care services are ''virtually inaccessible'' because of long waiting lines. So when we use a reasonable standard, it is clear we are falling far short of what our veterans deserve.

Senator CRAIG said that during the last 6 years, the administration and Congress has increased VA funding by 70 percent. But let me remind him that every step of way Congress had to fight the administration for those increases.

I know that we are putting more funding into the VA than we have historically. I have worked with my colleagues to fight for that funding. But let me remind my colleague from Idaho that we still have thousands of veterans waiting for primary and secondary care—or not being allowed to access care at all.

The funding that this Congress has provided for the VA still does not provide enough to ensure that every veteran who is eligible can access care. The VA takes what Congress appropriates and then limits which veterans can access care to make the care the VA provides fit within the budget box Congress provides.

Time and again, proposals for increased fees and copays are presented to discourage veterans from accessing VA care. I am happy to say we have fought off this administration's efforts to put those increased fees and copays in place. But—at the same time—the administration has limited access to the VA for Priority 7 and 8 veterans.

The VA admitted that fees and copays within its fiscal year 2007 budget would discourage 200,000 enrolled veterans from accessing care, and another 1.1 million from enrolling at all. This is wrong. We need a real budget based on the real needs. Not one based on limited access and discouraging veterans from seeking the care they were promised.

The Senator from Idaho wanted to be very clear that he had called hearings and exercised oversight. I agree. He did. I was one of the people who pushed for those hearings. I was at those hearing. I demanded answers at those hearings.

And one thing is clear—those efforts were not enough. We are still not getting straight answers from the VA. We are still getting out-of-date information. We still do not have a plan from the VA to care for the veterans from Iraq and Afghanistan.

So yes, there were hearings—I think we'd all agree that after a $3 billion error that hurt our veterans there better be hearings—but they were not enough. And we need more oversight and more accountability if we're going to make sure veterans do not get hurt again.

The Senator from Idaho asked—why now? Why am I calling for more oversight now? Because the GAO just released its report. I didn't tell the GAO how long to take in its investigation. When it had the facts, it released them, and I spoke up immediately. In fact, I think the Senator from Idaho will remember the morning the GAO released its report I shared the results with our Veterans Affairs Committee at a public hearing.

I thought everyone on the committee needed to know immediately that government investigators found the VA had not told us about the problems it knew about and that the VA is providing quarterly reports that are late and based on old information. Simply put, I spoke out when we got the facts.

I would add that if anyone believes that my remarks on Tuesday are the first time I have stood up and spoke out for our veterans—they just have not had their eyes open over the past few years. And I would remind my colleagues that there is no moratorium on speaking out for our veterans. Whenever we learn facts that affect America's veterans, I'm going to share them, and I'm not going to stop speaking out until we in Congress do the right thing.

Furthermore, unless we change the path we are on, we will be talking about this issue next September, the September after that, and every month in between. This is not going away.

So we in the Senate debate a lot of issues—none more significant than the issue of going to war. We are at war, and this body has a responsibility to meet our obligations in prosecuting that war—that includes taking care of our veterans. Today, we are not meeting that obligation. That is not just my opinion. It is the only conclusion a reasonable person could draw from the GAO report. And however inconvenient that may be—that is a fact.

Mr. President, I repeat my conclusion from my remarks here on Tuesday. Veterans deserve better, and this Senate and America can do better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

AGRICULTURAL DISASTERS

Mr. CHAMBLISS. Mr. President, I rise to express my support for providing relief to agricultural producers nationwide.

Earlier today Senator CONRAD from North Dakota led a debate on the floor regarding agricultural disasters; especially the severe drought causing severe loss of crops all across America, and the need to extend a helping hand to farmers.

We always hope to stay out of the disaster business, unfortunately Mr. President, this has indeed been a very unusual year. In August of 2006, in my State of Georgia, 155 of 159 counties were designated by the Secretary of Agriculture as primary natural disaster areas due to losses caused by drought and excessive temperatures.

Cotton and peanut harvests are underway today in the State and, unfortunately, the Department of Agriculture's most recent crop summary rates dryland fields in poor to fair condition, with much lower yields than usual. If peanut production forecasts are realized, we could have the lowest production yields on peanuts since 1980. Losses extend beyond the fields and have had a serious effect on livestock producers as well. For example, in addition to losses due to drought, many pastures and hayfields have experienced severe armyworm infestation.

My staff continues to receive calls from across the State with concerns about crop and pasture conditions. I have personally heard the calls and seen the need for agricultural disaster assistance throughout Georgia. As chairman of the Senate Agriculture Committee, I convened eight farm bill hearings across the country this summer. I will have to say that in traveling to these regions and visiting with the producers, I can report that there has been severe disasters occurring in each and every section of our country from an agricultural standpoint. Rural America is hurting.

While the Senate did not have the opportunity today to proceed with the vote on this very important issue, I want to be clear that I do support disaster assistance. Earlier this year, the Senate passed disaster assistance in the fiscal year 2006 supplemental appropriations bill. Unfortunately, that provision was dropped in conference. Since then, the situation has greatly worsened. Fortunately, we currently have a disaster package in the Senate agriculture appropriations bill, which we expect to complete after the November elections.

The appropriate place to address agriculture disaster is in the agriculture appropriations bill. However, we will need to refine and improve this disaster package based upon current circumstances. For example, the current disaster package provides assistance only for losses for the 2005 crop-year. Unfortunately, the losses in 2006 appear to be more extensive, more widespread, and more severe than the 2005 losses. The University of Georgia Center for Agribusiness and Economic Development estimates that at this point agriculture production losses may total over $819 million in Georgia alone.

At the current time, we may not know the full extent of the 2006 crop damage, but it is evident in looking across the country that crop and livestock assistance is needed.

The Secretary of Agriculture has agreed with us on this point. Earlier this summer he announced in the Dakotas that a disaster indeed had taken place across America. However, he provided what I thought, frankly, was a fairly nominal response to the issue.

America's farmers provide this country the safest, most affordable food and fiber supply of any country in the world. It is our duty to stand by them in this time of need.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

READING FIRST

Mr. HARKIN. Mr. President, the Education Department's inspector general released a blistering report last week about a program called Reading First. The inspector general reported that Education Department officials, one, mismanaged the program; two, steered school contracts to publishers they favor and away from others; three, flagrantly ignored Federal laws on maintaining local and State control of school curricula.

These are serious findings by the inspector general. Reading First is one of the largest programs in the Education Department. Congress has appropriated about $5 billion, or about a billion dollars for each of the past 5 years. So when we learn that a program of this size is being mismanaged, that laws are being broken, we need to take pause and investigate further.

Soon after Reading First was created, a number of publishers, researchers, and local school officials complained that the Department favored certain reading programs over others. They claimed that the Department pressured States and local school districts—sometimes subtly and sometimes bluntly—to purchase its preferred programs and reject others.

These kinds of activities are illegal. The law that established the Education Department states:

> No provision of a program administered by the Secretary or by any other officer of the Department shall be construed to authorize the Secretary or any such officer to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system . . . over the selection or consent of . . . textbooks, or other instructional materials by any educational institution or school system, except to the extent authorized by law.

Now, when we established the Department of Education—and I happened to be here at that time; I was in the House of Representatives at that time—the hue and cry went up to those who were opposed to establishing the Department of Education that the Department of Education would begin telling local school districts what to

teach, what books to use. Well, none of us wanted that. We wanted the Department of Education to do certain things but not to control local schools. We wanted to leave the control of school curricula, textbooks, what they taught, in the hands of local school boards. So we put this in the law expressly forbidding the Secretary of Education, or anyone in that Department, to exercise any direction, supervision, or control over textbooks, and things like that. That is about as clear as night is from day in the law.

Later, when we passed the No Child Left Behind Act, we further elaborated on that, and No Child Left Behind established the Reading First Program. It reiterates this point:

No funds provided to the Department under this act may be used by the Department to endorse, approve, or sanction any curriculum.

The Department officials repeatedly denied that they showed any favoritism. However, the inspector general's report shows that, in fact, they went to great lengths to influence exactly which instructional materials school districts must use. They accomplished this in several ways.

First they—I mean the Department of Education officials—stacked their grant review panels with members who shared their own philosophy, directly contradicting the No Child Left Behind Act which laid out specific rules designed to ensure the panels were balanced.

Next, they designed the grant applications in such a way as to discourage States from using certain reading programs—reading programs that had been approved at the local level and had been approved at the State level. So the Department designed the applications in such a way as to discourage the States from using these reading programs, even to the point of selectively eliminating phrases from the No Child Left Behind Act they didn't like. The No Child Left Behind Act put in certain phrases they had to use in terms of getting grants. Guess what. They just left those out of the grant application—just left them out totally.

Third, they leaned heavily on school districts to drop reading programs that didn't meet the Department's approval. For example, the Reading First Director opposed a whole-language reading program sold by a company called the Wright Group. In an e-mail, he urged a staffer to make it clear that the Wright Group didn't have his approval. Here is an excerpt from his e-mail. This is an e-mail from the Reading First Director Christopher Doherty. He said:

They—

This is the group that wanted to come in and make an application—

They are trying to crash our party and we need to beat the [expletive deleted] out of them in front of all the other would-be party crashers who are standing on the front lawn waiting to see how we welcome these dirtbags.

What does all that mean? That means: Look, we have our programs, we have what we want; others want in and, guess what, we are going to keep them out. ''They are trying to crash our party''—''our party.'' What did Mr. Doherty mean by ''crash our party''? They have selected publishers, selected materials they want these schools to use. ''Party''? What does that mean?

Here is how it played out in Massachusetts for one State. The Reading First Director, this same guy, Christopher Doherty, called a State official to say he had concerns about certain reading programs that four school districts were using. All of these programs had gone through the appropriate approval process at the local and State levels. Nevertheless, the State official conveyed that concern to the local districts. The three that dropped those approved programs continued to get their Reading First funding. The one district that stuck with the old program that had been approved had its Reading First funding taken away.

What is that saying? It is saying: OK, school districts, if you want money, you have to play our ball game, you have to accept our textbooks, you have to accept what we want, not what you at the local, what you at the State level want, but what we want in Washington.

When we step back and look at the big picture, we see a Department of Education where the attitude is: We know best, and to heck with Congress, to heck with Federal laws. They are saying basically it doesn't matter what the law says about local control of schools. If we like a particular program, we are going to make sure a school uses it, and if we don't like it, we are going to make sure they don't use it; we know best, and we will decide. That seems to be the attitude of the Department of Education.

We live in a nation of law. We have offices such as the inspector general to investigate whether agencies such as the Education Department are really following the laws we pass. Guess what. The inspector general found they are not following the law at the Education Department. They are basically thumbing their nose at it.

So far, the person who has borne most of the blame has been the Reading First Director, Christopher Doherty, but I think we need to look a little higher.

Secretary Spellings responded to the report by blaming other Department employees and noting that the events occurred before she took over the Department. However, as President Bush's domestic policy adviser, she exerted enormous control from the White House over the Department of Education activities.

Michael Petrilli, a former Department official who worked in the Department from 2001 to 2005, wrote a column this week in which he said that Mrs. Spellings knew exactly what was going on.

Here is what Mr. Petrilli wrote:

As the President's first-term domestic policy advisor, she micromanaged the implementation of Reading First from her West Wing office. She put one of her most trusted friends inside the Department of Education to make sure that Doherty and his colleagues didn't go soft and allow just any reading program to receive funds. She was the leading cheerleader for an aggressive approach. And now she bobs and weaves: ''Although these events occurred before I became Secretary of Education, I am concerned about these actions and committed to addressing and resolving them.''

A quote from Secretary Spellings.

The PRESIDING OFFICER (Mr. CORNYN). The Senator's time has expired.

Mr. HARKIN. Mr. President, I didn't realize I had a time limit. I ask for 2 more minutes.

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

Mr. HARKIN. Mr. President, if this description is accurate, it is hard to imagine that Secretary Spellings didn't know anything about the abuses described in the inspector general's report. Instead of making others take the fall for what happened, she needs to stand up and say whether she had any knowledge of or involvement in these activities when she worked in the White House.

Last week's report from the IG was just the first of several on the Education Department's management of the Reading First Program. I am afraid that what we have learned so far is just the tip of the iceberg. Secretary Spellings needs to explain as soon as possible her role in this program.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

IN HONOR OF WORLD WAR II VETERANS—PHOTOGRAPHER JOE ROSENTHAL AND ACTOR GLENN FORD

Mr. CRAIG. Mr. President, in my capacity as a Senator and chairman of the Senate Veterans' Affairs Committee, I rise this evening to pay tribute to two men who were bookends of what has been termed the ''greatest generation,'' those Americans who served in World War II. One stood behind the lens and took that famous photo on Iwo Jima that became the iconic picture of the war in the Pacific. The other gave up his life in front of the lens and laid his life on the line in the cause for freedom in Europe. I speak, of course, of the photographer Joe Rosenthal and the famed actor Glenn Ford. Both men died a few weeks ago, and it is fitting that this body, the Senate of the United States, recognize these great men for their contributions.

Most Americans instantly know that image Joe Rosenthal captured: the photo of five marines and one Navy corpsman raising the flag—the American flag—over Iwo Jima. That image became the basis for the Iwo Jima Memorial which rises above Arlington National Cemetery and a copy of which greets those who enter Quantico Marine Base in Virginia. That image was

also made into a postage stamp, not once but twice, and inspired the creation of at least two major pictures: ''The Sands of Iwo Jima'' starring John Wayne and the new movie, ''The Flags of Our Fathers,'' produced by Clint Eastwood, which will debut in a few weeks.

It has been said that Joe Rosenthal's famous photograph not only gave Americans back home an image of what was happening on the front lines, it persuasively argued that America was winning that war.

The impact of that image cannot be overstated. In fact, former President George Herbert Walker Bush, who served as a Navy pilot during World War II, recently recalled seeing the flag-raising photo in the newspaper during the war with Japan and said that without Joe Rosenthal's picture, the war might have dragged on even longer:

> I wonder if Joe fully appreciated what this photograph meant, and what it still means to the American people.

That is what the elder President Bush wrote.

The President's comments were shared recently at a public presentation in which Joe Rosenthal was posthumously awarded a Navy medal for distinguished public service. It was an honor long overdue but one I am proud has finally been awarded.

But while many know the story of Joe Rosenthal's famous photograph, few Americans, however, really know the real life story of the famous actor Glenn Ford.

Glenn Ford was born in Canada. He emigrated to the United States when he was 5 years old. He was a descendent of U.S. President Martin Van Buren. But Glenn Ford made his own way in his life. He went on to become a Hollywood movie star who appeared in over 100 movies and television shows. But his heroic real-life military actions are worthy of a film all its own.

Before the beginning of World War II, Glenn Ford served in the Coast Guard Auxiliary. In 1942, he enlisted in the U.S. Marine Corps. In the aftermath of the war in Europe, Glenn Ford came upon a displaced persons camp several miles outside of Munich, Germany. An estimated 12,000 to 15,000 homeless Jews were living at the Fernwald camp, which appeared to have been overlooked in the postwar confusion.

According to the Simon Wisenthal Center, which in 1985 presented Glenn Ford with the Liberator's Award:

> The survivors were astonished and wept with gratitude to see an American who really cared, and for seven weeks Ford brought food, books and medical supplies. The supply sergeants looked the other way as Ford loaded up his jeep day after day, and headed up to Fernwald.
>
> Ford alone was responsible for giving hope and life to approximately half of these 12,000 to 15,000 inmates in an over 7-week period. Many women named their newborn sons after him in recognition and in gratitude.

Committed to service in the Armed Forces, Glenn Ford also served a tour of duty in Vietnam in the Mekong Delta during Operation Deckhouse V and twice came under fire—intense enemy fire—and narrowly escaped death from a sniper's bullet, a bullet which wounded the attache standing next to him.

Among his numerous medals and accommodations are the Medal of Honor presented by the Veterans of Foreign Wars, the Medaille de la France Libre for the liberation of France, two commendation medals from the U.S. Navy, and the Vietnamese Legion of Merit. He received the rank of captain with the U.S. Naval Reserves in 1968.

Today, as we battle terrorists wherever they are, I think we should all reflect on the words of Glenn Ford penned in 1980. Here is what that honored and decorated movie star said:

> I'm proud to be an American. Let me say again. I'm proud to be an American. And I believe it's time for every one of us to stand up and show our support for our great country. There are faults and occasional inequities in America. But the proof of how good things really are here is the lines at our borders and at our consulates all over the world of people wanting to come here to live.

He went on to say:

> In the last 200 years, we have built a wonderful dream that other countries can only hope to achieve. So let us not hurt that dream by our own selfishness. If we think only of ourselves and do nothing but complain about this magnificent country—instead of supporting her—we will lose everything our forefathers fought for. We must all pull together and elect good officials. And we must save energy and help our neighbors—especially the young of America—understand the real meaning of the free enterprise system.
>
> But let's never forget that to remain free we must always be strong. That is an important lesson I—

Meaning Glenn Ford—

> learned in my navy career in World War II. National defense must be the top priority for any country. If you are not strong, you are not safe. Now is the time for every American to be proud. This is the land of the free and the home of the brave. But only as long as we are brave. If we are not brave, we will not be free.

So penned by the actor Glenn Ford.

As I said at the beginning of my comments this evening, Joe Rosenthal and Glenn Ford were bookends of World War II. Joe Rosenthal was behind the lens and took that seminal picture of the war in the Pacific, the Iwo Jima flag-raising, while Glenn Ford, who had spent his time in front of the lens in motion pictures and in business, left the limelight to become a true war hero and devote his time to save a Nation and to save a world.

Glenn Ford and Joe Rosenthal were true patriots. Now those heroes are gone, like so many other veterans of that great war. The Nation is losing many of its World War II veterans. Believe it or not, nearly 1,000 members of the Greatest Generation pass away each day of each week. But while they are leaving us at a sad and very steady pace, their legacy of freedom and bravery, I hope, will live on forever. Let's think tonight of Joe Rosenthal and the late actor Glenn Ford.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 15 minutes under the previous order.

RYAN WHITE CARE REAUTHORIZATION

Mr. MENENDEZ. Mr. President, I rise tonight to speak about the Ryan White CARE reauthorization.

We have heard a number of speakers on the Senate floor over the past few days claiming to be experts on New Jersey's HIV/AIDS community and our Ryan White Program. Now, some might choose to listen to them, but I choose to listen to the real New Jersey experts. Governor Corzine says the bill will have ''an enormous negative impact for individuals and families with HIV in New Jersey.''

New Jersey stands to lose millions of dollars in the first year alone with these losses increasing over time. The losses will disrupt and destabilize the comprehensive continuum of care that has been established. And New Jersey's HIV/AIDS providers and advocates are unified against the proposed bill and know the real impact these cuts have on real lives.

The medical director from the Monmouth Medical Center and HIV Clinic in Long Branch, NJ, a clinic funded by Ryan White funds, says:

> Since our inception in 2001, we have doubled our size. Fifty-two percent of our clients are women. Forty-eight percent are African Americans. The majority of our clients have no insurance and no access to medications, except to the State ADAP program. Our patients are living longer and having a better quality of life. In fact, this past year we have had 8 babies born to HIV-infected women. None of these infants are infected with the virus. To ensure that we will not lose ground in the fight against this epidemic, the Ryan White program must be reauthorized so that existing clinics and programs continue to provide medical access for care and treatment. Please do not dismantle the system at the expense of another, they tell us.

Now, I really had to bite my lip earlier because some came to the floor of the Senate and had the audacity to say that New Jersey is a privileged State. To them I say: I would gladly give up the privilege of being No. 1 in the Nation in the proportion of women living with AIDS. I would gladly give up the privilege of having the third largest proportion of children living with HIV/AIDS. I would gladly give up the privilege of having the fourth highest number of people living with HIV/AIDS. I would gladly give up the privilege of having the fifth largest number of new AIDS cases each year—each year—despite the fact that we are only the ninth largest in total population. I would gladly give up the privilege of having the fifth highest rate in reported deaths due to AIDS.

I am sure that the 32,000 people living with HIV or AIDS in New Jersey would love nothing more than to be able to

give up that privilege, or the people of color who account for 75 percent of all HIV/AIDS cases, or the women who make up more than a third of all people living with HIV/AIDS. I am sure they would gladly give up that privilege as well.

These same experts have argued that New Jersey is receiving more than its fair share of Ryan White funding. But what we are hearing is just another numbers game to try to avoid the real issue, which is the completely inadequate funding in this reauthorization bill.

When you look at the full picture, without just zooming in on the piece that happens to fit your argument, New Jersey is one of the most expensive States in which to live in this country. Yet it spends less per person—less per person—than 15 other States, including Alabama, Wyoming, South Dakota, Montana, Alaska, Idaho, Massachusetts, Vermont, the District of Columbia, Arizona, Pennsylvania, Louisiana, and Michigan.

So just to put things in perspective, according to the Care Coalition, Alabama spends about $5,778 per HIV/AIDS patient, and Wyoming spends $5,984 per patient. In contrast, New Jersey spends $800 less than Alabama and $1,000 less than Wyoming per patient on HIV/AIDS care. So I cannot accept the numbers as those would have it constructed for the purposes of pursuing their argument.

There are more than 2,130 new HIV/AIDS infections each year in New Jersey, and in 2004 New Jersey reported almost 2,400 new HIV and AIDS cases, more than all but 4 other States. Ryan White funding is being put to good use saving lives and helping individuals avoid disability and lead productive, successful lives. In New Jersey, we are giving 32,000 people with HIV/AIDS a new lease on life. We have one of the most effective ADAP programs in the Nation, as well as comprehensive services, including primary medical care, mental health service, substance abuse services, oral health, case management, nutritional services.

So thanks to the success of New Jersey's network of care, we have seen a sustained drop in the number of HIV/AIDS deaths each year. However, with this growing population, there is a growing need for services. It is blatantly clear that any cut to our State is a destructive blow to the very network of care that countless men, women, children, and babies are counting on.

Now, I would be happy to have a straight, one-year reauthorization in which all would be made whole if the majority is willing to accept it. I am also willing to find a solution to the real problem, which is a severe shortage of funding—a severe shortage of funding. As I said, I am happy to give up the privilege—I would be happy, as would the lives of those individuals who find themselves struggling day in and day out, they would be happy to give up the privilege that we heard about on the floor. But I cannot stand by and watch the hopes and dreams of New Jerseyans living with HIV/AIDS be extinguished by this misguided proposal.

How can I go back to constituents in New Jersey living with HIV or AIDS and tell them it is a fair deal to have them put their lives at risk? I can't and I won't, and we can't have an appropriate reauthorization.

Mr. President, I yield back the remainder of my time and yield the floor.

Mr. ENZI. Mr. President, it is my understanding that the Republicans have an extra 15-minute slot.

The PRESIDING OFFICER. That is correct.

Mr. ENZI. I have been allocated in that slot.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

Mr. ENZI. I would assume that the Senator from New Jersey has had adequate time to look at the unanimous consent request that I presented earlier, and I will be making that unanimous consent request again. He must be ready to debate the AIDS bill that New York and New Jersey have proposed, and I am ready to grant time to have a vote on that bill as well as the bipartisan, bicameral bill passed by the House last night. I have no fear of that. This Nation has a lot of problems with HIV and AIDS that need to be taken care of. There is one bill that does that fairly—a bill that the House overwhemingly passed. A bill with a comprehensive, fair and equitable solution. There is another one that merely extends the time where we keep doing the same thing that we have been doing. A quick fix that would give us the same results that we have been getting—people across the country are dying because of not getting treatment, because of unfair, inequitable funding formulas that ignore the new, emerging epidemic of HIV in rural areas and the Southeast.

Mr. SALAZAR. Mr. President, parliamentary inquiry: Mr. President, would the Senator from Wyoming yield for a question?

The PRESIDENT pro tempore. Will the Senator yield for a question?

Mr. ENZI. I am happy to yield for a question.

Mr. SALAZAR. Mr. President, just a parliamentary inquiry as to the order of speakers and where we are, based on the last unanimous consent order.

The PRESIDENT pro tempore. Senator ENZI has 15 minutes, then Senator LANDRIEU has 15 minutes, and then another Republican has 15 minutes, and then the Senator from Colorado, Mr. SALAZAR, has the fourth 15 minutes.

Mr. SALAZAR. I thank the Presiding Officer, and I thank my friend from Wyoming.

Mr. ENZI. I thank my neighbor from Colorado. As we set it up earlier, we have been alternating times. I am glad that I have the opportunity to speak right after the Senator from New Jersey. I know he turned down the unanimous consent request earlier. I am hoping that he will accept the unanimous consent this time.

Tomorrow is a very critical time for people in the United States. These States, the red states in this chart in particular, will start losing significant funds at midnight tomorrow night if the current failed formula is not fixed. California loses $18.78 million; Connecticut, $3.2 million; the District of Columbia, $6.93 million; Delaware, $1.52 million; Georgia, $9.68 million; Illinois, $12.48 million; Oregon, $1.38 million; Pennsylvania, $9.25 million; Washington, $2.42 million; Maryland, $11.64 million. We can fix this formula tonight. A solution, passed overwhelmingly in the House, is before us now.

I appreciate the letter that I got from the Senator from Maryland, Ms. MIKULSKI, reminding me that this goes into effect tomorrow and asking me to get the Ryan White bill done.

Now, when we reauthorize this program by using the bill that came out of my committee and passed overwhelmingly in the House, there will be some changes to the formula—saving many States from significant and critical losses. Instead of California losing $18.78 million, they will gain $15.38 million because the money is going to follow the cases, and they are not going to get the penalty that they would have under current law. I have the chart that shows the gains for a number of States. All the ones that I mentioned would have gains instead of losses. So this is a critical piece of legislation to all of these States.

We are talking about unfairness and inequity. This isn't the only bill on which we are changing formulas so they more accurately address the problems they were meant to address. The reason we have reauthorizations is so that on a regular basis we can review the monies going to States, see how it is allocated, see if it needs to be allocated on a different basis so that it is more fair. Our committee ran several hundred evaluations to see different kinds of formulas at the suggestion of members of the committee and Members of the Senate to see what the fairest way would be to do this bill.

Now, not only did we pick the fairest way to transition, by holding those States harmless for 3 years, but we chose the fairest formula in the long-term that ensures that Americans with HIV/AIDS get the treatment they need on an equitable basis no matter their race, gender, or where they live. I have to tell my colleagues, there is not another bill we have done that allows this kind of inequity—under current law—to continue to give those States time to prepare for the formula shift. Of course the States that do not obtain equality for 3 years are usually pretty upset. They think that the equality ought to come in much earlier in the process.

So we had a number of States that said, How come it gets to be unfair for

that long? We said we are going to try to protect these States so they have a time to transition, so they prepare their systems for the change in the funding.

One of the things that was raised earlier this afternoon was that it is more expensive to live in New Jersey. It is more expensive to live in New York.

It is pretty expensive to live in DC, too, and DC is going to lose $6.93 million, if we don't pass this legislation. If we pass this bill, they are going to gain $4.35 million. It is a change for a lot of States, but it is a change to fairness based on the number of people with HIV/AIDS, not the number of institutions that we have been funding in these States. This program is not for economic development. It is not a way to keep jobs. It is a program to keep patients alive.

On these other bills I have been working on—the Older Americans Act—includes a 5-year transition. Some of the States said, By golly, we have been cheated for years. We ought to get our money faster, but they have agreed to a 5-year transition.

The ones who are losing money have said: Okay, we understand, that is fair. You gave us a time to transition.

We have 9 or 10 bills that my committee has to do that deal with formulas. I can tell you the first reaction of every Senator, including myself, is to say: Print the chart out, see what happens to my State. Naturally, you get upset if your State is not going to get as much money as they got before. But, fortunately, the majority of the Members around here look and say, Is the amount I am getting fair?

Higher costs—I want to go back to that again. What we are providing are the AIDS drugs, and the AIDS drugs cost the same all over this country. It doesn't cost more for an AIDS drug in New York than it does in Wyoming. As for expenses, we only have a couple of big cities in Wyoming—Cheyenne is 52,700-and-some people, that is our biggest city; Casper is next with a little over 50,000, and then it drops off significantly.

If a third of your towns have less than 250 people in them, how many of those do you think have a hospital? How many of those even have a doctor to look at somebody with HIV/AIDS? They have to travel a long way at great inconvenience and great cost. We don't cover that. We cover the treatment.

When we crafted the current funding proposal, we ran dozens of these various formula options to see which was the fairest way to do it, which one created the least amount of disruption. That is how we came up with the current funding formulas in this bill. We are being asked, of course, to consider another bill, introduced on Tuesday of this week by the Senators from New York, New Jersey, and Florida. I believe we should debate this bill. However, I have problems with this bill because what that other bill does is delay this argument over funding formulas for 1 year. It doesn't do the equity for sure at any time. So in our bipartisan, bicameral bill, what we said is we will delay equity for 3 years. Three years is better than 1 year, so I really don't understand why anybody is holding this bill up.

I understand that they lose money. I understand that. However, they are grossly overpaid. As I have shown before, under the current law, the State of New York gets $504 more than the average per patient across the rest of the Nation. New Jersey gets $310 more per person than the average across the rest of the Nation.

Under the reauthorization, New York will still get $304 per person more; New Jersey will still get $88 per person more. As I have mentioned, all of the funds have not been spent every year. So we are saying New York does not want to share even what did not spend.

I can understand Senators being concerned over losing the money. What I am just asking is we take a look at the whole national picture, just like we are taking the whole national picture in some other bills pending before the HELP Committee. For all of those bills, I pledge that during this next year we will have hearings where we look at the formulas in these other bills and see how we can transition more quickly than we have been doing, to move toward equity.

If you have people who are dying of AIDS and you have people who cannot be treated for HIV, you have a real problem. We are not talking about parks or things that might be considered luxuries. We are talking about life and death. The earlier we start treating people, the more chance they have for survival.

Fortunately, very fortunately, there have been a lot of drugs that have been developed for the market that make a difference, now, for those infected with HIV; these drugs will extend their lives. We don't have to wait until they are in the AIDS category to do that. We don't have to do that to give them as good a life as possible. We can start providing life-saving treatment when we know they have HIV. We can positively extend their lives.

That is what we are trying to do with this bill. Under the other bill, introduced on Tuesday of this week, the supporters are eliminating, again, the count of HIV, the ability to treat those with HIV. As far as fairness, don't you think we ought to treat as early as we can with the capability that we have instead of just waiting until they have AIDS and then counting them and pay for them?

The other bill doesn't take into account the HIV folks at all. If I were one of the Senators from those two States, and I have been holding out this long, I would be here yelling too, I guess, because I would have to explain why I was doing what I'm doing—and not just to the people in my State. I would have to be explaining why I was being an obstructionist for life-saving care to the whole Nation. Of course, those outside my State don't get to vote for me, but we do have an obligation to all of those folks across the Nation.

When we have equitable funding formulas, if States come up with a higher HIV/AIDS population than we thought they would have, we may have to put more money into it. But the additional money ought to come with the additional cases. We ought to have some numbers to back up what is happening, and not everyone has the numbers to back up their current funding. We have some waiting lists, waiting lists of people who are waiting for life-saving treatment. But if they look at the waiting list they may say, I am not going to gain treatment anyway, so why would I even get on a waiting list? Thus, there may be thousands more, not seeking treatment because, where they live, we are not treating them equitably. I do know there are some difficulties out there.

I know the time to vote on Ryan White is now or never because as soon as the clock strikes midnight tomorrow night thousands of Americans will start losing access to the life-sparing treatment unless we pass the bill now. I can't understand why four Senators are denying people suffering from HIV/AIDS to vote on this critical legislation to create a more equitable program.

Earlier today, the Senators from New Jersey and New York suggested that the answer to the inequities in Ryan White is more money. I say we can talk about more money in Ryan White as soon as the States that are hoarding funds allow current dollars to focus on those in need, individuals on waiting lists throughout the country. We have to address the current inequities, not compound them by just adding more dollars to a failed funding formula. We don't want to continue to have the rich States get richer while the poor States get poorer.

The Senator from New Jersey also suggested this bipartisan bicameral bill was not supported by minorities because the National Minority AIDS Council did not support the bill. One council does not capture all the minorities. In fact, over seven minority organizations, including the Alaska Native Tribal Health Consortium, Brother 2 Brother, Latino Coalition, League of United Latin American Citizens, the National Black Chamber of Commerce, the National Minority Health Month Foundation, and the New Black Leadership Coalition support this bipartisan bicameral product.

In addition, 34 other organizations support this key legislation, including key national advocate organizations such as AIDS Action, AIDS Healthcare Foundation and the Southern AIDS Coalition.

I ask unanimous consent the full list of supporting organizations be printed in the RECORD.

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

ORGANIZATIONS THAT SUPPORT FINAL PASSAGE OF RYAN WHITE HIV/AIDS TREATMENT MODERNIZATION ACT

H.R. 6143

AbsoluteCare Medical Center; ADAP Coalition; AIDS Action; AIDS Action Coalition; Huntsville, AL; AIDS Action Ohio; AIDS Alabama, Inc.; AIDS Healthcare Foundation; AIDS Outreach of East Alabama Medical Center; AIDS Resource Center Ohio; Alaska Native Tribal Health Consortium; American Academy of HIV Medicine; American Dietetic Association; Am I My Brother's Keeper, Inc.; Birmingham AIDS Outreach; Brother 2 Brother.

Carepoint Adult, Child and Family Center; Catholic Charities Diocese of Fort Worth; Columbus AIDS Task Force; County of Los Angeles; County of Riverside; County of San Diego; First Ladies Summit; Governor Robert L. Ehrlich (Maryland); Harabee Empowerment Center; HIV Medicine Association; Latino Coalition; League of United Latin American Citizens (LULAC); Life Linc; Log Cabin Republicans; Lowcountry Infectious Diseases.

Montgomery AIDS Outreach; National Black Chamber of Commerce; National Coalition of Pastors Spouses; National Minority Health Month Foundation; New Black Leadership Coalition; Ohio AIDS Coalition; President's Advisory Council on HIV/AIDS; Rep. Linda Upmeyer (Iowa State Rep, District 12); Rocky Mountain Opportunities Industrialization Center; South Alabama Cares; Southern AIDS Coalition.

Mr. ENZI. May I ask my time?

The PRESIDENT pro tempore. The Senator has 5 seconds left.

Mr. ENZI. I would like to propound a unanimous consent request and ask unanimous consent to be able to propound the request.

UNANIMOUS CONSENT REQUEST H.R. 6143

I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 6143, which was received from the House. I ask unanimous consent that the only amendment in order be an amendment by Senator LAUTENBERG or one of the Senators from New Jersey or New York, which is the text of S. 3944, with 30 minutes of debate equally divided. I ask unanimous consent that following the disposition of the amendment, the bill as amended, if amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection?

Mr. MENENDEZ. Mr. President, we do have an obligation to all the people of this country and that includes the people of New Jersey. This is not just simply about money.

The PRESIDENT pro tempore. The question is, does the Senator object?

Mr. MENENDEZ. I do object based on that and much more.

The PRESIDENT pro tempore. Objection is heard. The time of the Senator has expired.

Under the previous agreement, the Senator from Louisiana is recognized for 15 minutes.

ROYALTY RELIEF BILL

Ms. LANDRIEU. Mr. President, I come to the floor to speak about an issue that, of course, many of us have been involved in now for years, literally, trying to provide a revenue stream for the Gulf of Mexico—not just Louisiana but Mississippi, Alabama, and Texas. For 40 years or longer, they have contributed more oil and gas to this Nation than Saudi Arabia and Venezuela combined. In the minds of many along the gulf coast, particularly post-Katrina and Rita, two of the largest hurricanes to hit the North American continent, people along the gulf coast are feeling, on this issue, that perhaps the gulf coast has been forgotten.

I want to say to my colleagues here, Republicans and Democrats, the people of the gulf coast are grateful, extremely grateful for all the support given this year for hurricane relief—not one, not two, not three, but four supplementals.

Mr. President, you yourself have been down there personally, walking the neighborhoods that were destroyed and being a strong advocate for us on the Appropriations Committee. So we are very grateful.

But there are two extremely important bills and issues that we must have to complete this package of initial recovery and lay a foundation so that the gulf coast can build securely. We know we can rebuild, but the question, from Pascagoula to Beaumont is, Can we rebuild safely?

We have counties in east Texas and parishes in west Louisiana, western Louisiana and southeastern Louisiana, and counties in Mississippi, that have literally been 100 percent destroyed. I mean, in Saint Bernard Parish there was not a house left standing out of 75,000 people.

It is so tragic because this particular parish has flooded like this not once but twice. Saint Bernard Parish has flooded, not once but twice. It flooded in 1965, when Hurricane Betsy poured about 10 feet to 12 feet of water, sort of in the same way—a storm surge, aided and abetted by this channel that the Corps of Engineers dredged to help the port and help navigation on the Mississippi River, which helps the whole country. But it really didn't help the people of Saint Bernard because they lost their homes. President Johnson came down and pledged, ''Never again.''

Here we are, 35 or 40 years later, and they have lost everything again. Some of these families who built back from Betsy, they are 70, 80 years old, to have it washed out again. It is just too much for this Senator to bear. It is too much for our delegation to bear.

There are two major pieces of legislation that the Louisiana delegation cannot go home without this Congress, and that is the WRDA bill, because it is the water resources bill of the United States of America. Since we have more water than almost anybody, this is a huge bill to us.

We are not managing our water well. It has flooded our homes.

We have to pass this WRDA bill to help us build our levies, navigation channels, locks, and dams to protect our people—not because we are a charity case but because we contribute so much wealth to the Nation. The Nation can't do without it. You wouldn't want to try. If you did, and our pipelines closed and our refineries closed, and south Louisiana, south Texas, and the southern part of Mississippi and Alabama closed, you would just as soon turn the lights out in this Chamber. There would be no economy in the United States of America.

That is a bold statement. You say: Senator that is not true. We could do without you.

If I showed you the charts, which I am not going to bore you with, you could not get anywhere near the oil and gas we need to fuel the economy in this country without it.

We can't go home without the WRDA bill, and we can't go home without the offshore oil and gas revenue.

As much money as we get in WRDA, and as many projects as we get in WRDA, we can't wait every 10 years to authorize our project. We need an independent stream of revenue to secure our wetlands, to restore them. We have lost more wetlands than the State of Delaware. We lose a football field every 30 minutes. We lost the size of the District of Columbia in the last storm. I don't know how much more we can lose. If an enemy came to our shores to take our land away the way we are letting it drift into the gulf, we would have declared war.

Our delegation put in a bill for OCS revenue sharing. We said we have a deal for the country. We will open even more in the gulf. Everyplace else is shut down. Nobody wants to drill, so let us even drill more. We will open up 9 million acres, and we will share the revenues with Texas, Louisiana, Mississippi, and Alabama. The country gets enough natural gas to fuel 1,000 chemical plants for 40 years. That is a lot of gas. The Southern States would share in a very fair and reasonable way these revenues. We think that would be a good thing for America.

This is the Jack well that Chevron just found. It is one well, 28,000 feet deep, and it has doubled the reserves in the United States of America.

When I hear some critics of the Senate approach saying to me—to the Senators from Louisiana, Mississippi, Alabama, and Texas—that our bill doesn't do anything, it is just a wonder of what it might do if we could maybe find five more Jack wells here or 10 more. Who knows. There is a lot of land.

The great beauty of our arrangement is we protected the coast of Florida, as the Florida Senators and the Governor of Florida, Governor Jebb Bush, have asked us to, and we still found enough territory to open.

We are leaving here without this bill that makes a tremendous amount of

sense because we just couldn't finish negotiations with the House.

But I am very hopeful that when we return in the lame duck that it is a lame duck and not a dead duck because I could get a lame duck hobbling out of here, and I can't take a dead duck home. We need to take something home that is alive and flapping to give these people homes, to restore these wetlands, and for heavens' sake, send some oil and gas to the industries in America that are really on the edge right now of whether to expand these refineries or not because China looks more promising every day.

If we don't give them hope, they are going to leave and jobs are going to be lost.

I see my good friend from Idaho who knows this issue well. He might want to take one of my minutes and add a thought about this because he has been a good partner on this issue. I would appreciate his words on this chart or anything he wants to talk about.

Mr. CRAIG. Mr. President, I thank the Senator for yielding. I will be very brief.

This is very important for all of us to listen to. Just because gas prices are falling at this moment, we should not walk away from an opportunity to continue to build reserves and known reserves in the gulf and other areas, for the U.S. Geological Survey says it is phenomenally plentiful. The well Senator LANDRIEU just talked about at the 28,000-foot level has contributed mightily to an unbelievable drop in gas prices over the last month and a half, coupled with the lack of storms. Yes, other things are going on. But the reality is that the American producer now knows less of their potential is not at risk because it is under the control of the United States. It has taken that $20 risk figure off the top of a barrel of oil, dropping it into the low sixties range or high fifties range. That is what is reducing the price at the pump.

I thank the Senator from Louisiana for her continued effort. I hope this Senate and the House will recognize the potential of building U.S. domestic reserves that are safe, out of harm's way, out of the way of the political, fragile nature of other countries of the world.

I thank the Senator for her steadfastness. I and others will help her with this goal.

Ms. LANDRIEU. I thank the Senator.

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

The PRESIDENT pro tempore. The Senator has 5 minutes remaining.

Ms. LANDRIEU. Mr. President, I want to call my colleagues' attention to this chart which I had my office put together today. I thought it would be a good chart to leave with because maybe it will put a little energy underneath our efforts to get something done when we get back.

Production from the gulf coast is over 1 billion barrels of oil. The total production from Saudi Arabia and Venezuela together is 973 million barrels of oil.

I do not know if the Governors of Texas, Louisiana, Mississippi, and Alabama want to shut down production. But if they do, there would be a real problem for the country. I know people might say that couldn't be done because you don't have jurisdiction over pipelines, and the Federal Government could operate that. I would hate to see the court battles that would ensue. We actually have one court case pending which was filed by the State of Louisiana alleging that the appropriate environmental standards have not been attended to. And the judge will rule on that in November.

No Governor other than Governor Blanco has taken that step, and no Governor has suggested it. I am not giving testimony that I have heard them even privately say it. But I can promise you that the people in the Gulf of Mexico are getting tired. Everywhere I go, people in Texas, Mississippi, Alabama, and Louisiana say to me: Senator, why are we the only ones producing? And why when you go to Washington and ask them to just share these revenues with us they say no? Don't they know that we don't have any houses to live in? Don't they know our churches have been ruined? Don't they know our children don't have schools? What is wrong with Congress?

I am having a hard time explaining that.

For people who say the Senate bill doesn't do anything, I think 1 billion barrels of oil—almost equivalent to 60 percent of what OPEC contributes on a yearly basis—is a lot of oil.

Considering things aren't going real well in Venezuela these days, we might want to get this bill passed and help our industry and help our people.

In the last 4 minutes, I want to say in the spirit of cooperation that I filed a bill today on the issue of royalty recovery. This is an issue with the House of Representatives. It is an issue with us. It is an issue with the other House, and it is an issue with us. I thought maybe this would help everybody to see.

We can talk about it when we come back, of course.

These are the wells that were issued in 1998 and 1999 that did not have thresholds. There were over 1,000 of them. I am sorry I can't identify the 15 that are producing, but out of these there are only 15 that are producing. These are the ones which are producing and royalties are being generated because there was a mixup in the contract. When we get back we should resolve this issue. That is what my bill says, and it suggests how to do it.

Some of this money could go to Texas, Louisiana, Mississippi, and Alabama in the earlier years. Some could go to the Land and Water Conservation Fund, and a lot of it could go to deficit reduction. We could reduce the debt on people and get a little head start on our coastal restoration, as well as do something for the Nation on land and water.

We could debate how the revenue should be shared, but I laid a bill down today to give us maybe a starting point for people who discuss how we might do that.

I will conclude with this: The Louisiana delegation cannot go home for Christmas without the WRDA bill and without the OCS bill. We are going to be here a long time until those bills are passed. We want to work with people, we want to be cooperative, and I filed a bill to solve this problem and meet the House halfway on this issue.

Then let's do something when we get back and work hard to get something out to the American people that could make at least the industry have a happy Christmas. Individual consumers might not feel the price of natural gas directly. But our industries and big and small businesses certainly do, and our farmers most certainly do. It would be a good Christmas present to give them.

I yield the floor.

The PRESIDENT pro tempore. The next 15 minutes is allocated to the Republican Senators.

Who yields time?.

Mr. CRAIG. Mr. President, I yield back the Republican time.

The PRESIDENT pro tempore. The Senator from New Jersey is recognized for 15 minutes.

IMMIGRATION REFORM

Mr. SALAZAR. Thank you, Mr. President.

I rise tonight to speak to the so-called fence bill and ask my colleagues and urge them to oppose the construction of this fence in the way it has been proposed to the Senate.

I oppose the construction of this fence because at the end of the day this is not going to fix our borders. It is not going to deal with the lawlessness that we currently are having to deal with with respect to immigration, and it is not in the long-term interests of the United States of America.

For me, I may be the No. 100 U.S. Senator, but I have heroes on both sides of the aisle.

I remember Ronald Reagan when he went to the Berlin Wall and he told Mr. Gorbachev that he should take down the Berlin Wall. He was about taking down walls and bringing communities together.

I remember John Fitzgerald Kennedy, a person who inspired my whole life in politics and our country. I remember him working on creating the Alliance for Progress with the notion being that the Western Hemisphere would be a much more successful hemisphere if we were able to work with nations that were all a part of this hemisphere. That Alliance for Progress by President Kennedy is still celebrated throughout the United States and throughout Latin America because of his vision that we would bring communities together. Yet what we are doing today on this national security issue of immigration reform is abandoning

principles and allowing politics to triumph.

This body tonight, by voting for what I expect will be successful passage of this bill, has allowed politics to triumph over what is in the best long-term interests of this country and over the principles that we worked on together to try to bring about comprehensive immigration reform.

I stood with a number of my colleagues on the Republican side putting together what was a comprehensive immigration reform package. We had leaders on the Democratic side who have inspired me for ages, such as Senator KENNEDY, Senator DURBIN, and Senator REID standing with people such as Senator CRAIG and Senator MCCAIN and Senator GRAHAM and others to try to pull together comprehensive immigration reform. At the end of the day, we were able to get that comprehensive immigration reform. The President lauded it because it was a good bill. It was legislation that dealt with creating a system of law and order, that would have taken us out of the lawlessness we currently have in our country with respect to immigration and have created a comprehensive system to deal with this major issue of national security, economic security and moral values.

Our legislation dealt with border security. Our legislation dealt with the enforcement of our immigration laws. Our legislation dealt in a realistic way with the penalties and the registration that would apply to the 12 million or so people who are here in this country undocumented today. It was legislation that was comprehensive in nature.

Yes, we were proud we had Senators such as GRAHAM, MCCAIN, SPECTER, REID, KENNEDY and a whole lot of other Members who stood behind this comprehensive approach to immigration reform.

Mr. REID. Will the Senator yield?

Mr. SALAZAR. I yield.

Mr. REID. Mr. President, I support, as did the Senator from Colorado, tough border security. I voted, as did the Senator, for an amendment in the context of an immigration reform bill that would have authorized for Homeland Security Secretary Chertoff 370 miles of fence based on what he told the Senate he needed. Building some fencing as part of a comprehensive reform bill makes sense.

Would the Senator agree, we cannot take a piecemeal approach to fixing our borders?

Mr. SALAZAR. I agree with my friend from Nevada that, indeed, Secretary Chertoff and others have said that a fence by itself will not deal with the problems we are facing in immigration.

Secretary Chertoff's statement was, in his words:

> In fact, building a fence in the desert would have the somewhat ironic result of requiring us to put more bodies right up against the border because it would be a less efficient way to deal with it.

So, yes, the Secretary of Homeland Security himself, along with the Attorney General of the United States, has taken a position that this is the wrong way to go.

Mr. President, as we put together this legislation, I want to quickly review what it is we did as we went through the legislation.

First of all, with respect to border security, we were tough on our border, but we were substance. We said we would add 12,000 new Border Patrol agents.

Mr. REID. Mr. President, I say my friend from Colorado, we have an important agreement we would like to put before the Senate. I ask the Senator from Colorado allow me to interrupt him.

The PRESIDENT pro tempore. The Senator's time remains.

Mr. REID. Yes.

The PRESIDENT pro tempore. Does the Senator object?

Mr. SALAZAR. No.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I ask unanimous consent at 9:10 this evening, the pending amendment, No. 5036, be withdrawn, the bill be read the third time, and Senator SALAZAR be recognized for 5 minutes, Senator BINGAMAN for 5 minutes, Senator CRAIG for 5 minutes, Senator REID for 3 minutes, Senator FRIST for 3 minutes, and the Senate proceed immediately to a vote on passage, with no intervening action or debate; and I further ask consent that following that vote, the Senate proceed as under the rule to the vote on the motion to invoke cloture on the motion to concur on S. 403; I further ask consent if cloture is not invoked, the Senate proceed immediately to the conference report to accompany H.R. 5441, the Homeland Security Appropriations Conference Report, and there be 5 minutes equally divided for debate prior to a vote on adoption of the conference report.

I further ask consent that if cloture is invoked on the motion to concur to S. 403, the pending amendments be withdrawn and the Senate vote on the motion, with no intervening action or debate; and further, the Senate proceed as above to the Homeland Security conference report.

I also ask following the vote on the Homeland Security conference report, Senator LAUTENBERG be in control of 10 minutes, Senator COLLINS for 5 minutes, Senator STEVENS for 5 minutes; the Senate proceed to a vote on the conference report to accompany H.R. 4954, the port security conference report, if the papers are received from the House and they are identical to those at the desk currently, with no intervening action or debate; further, I ask that if the papers have not arrived from the House, then upon receipt of those papers, the Senate proceed to its consideration, again, only if those papers are identical to those at the desk currently, then the conference report be agreed to and the motion to reconsider be laid upon the table.

I further ask consent that following the vote on the port security conference report, H.R. 5441, if port security has not arrived, then the Senate proceed to consideration of H. Con. Res. 483, the adjournment resolution; provided further, that Senator LEVIN be recognized to speak for up to 10 minutes, and following that time, the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. In my capacity as a Senator, I ask the Senator to read again what the Senate is doing with the port security bill.

Mr. FRIST. The Senate proceed to the vote on the conference report to accompany H.R. 4954, the port security conference report, if the papers are received from the House and they are identical to those that are at the desk currently, with no intervening action or debate; further, I ask that if the papers have not arrived from the House, then upon receipt of those papers the Senate proceed to its consideration, again, only if those papers are identical to those at the desk currently, then the conference report be agreed to, with the motion to reconsider laid upon the table.

The PRESIDENT pro tempore. I appreciate the courtesy.

Without objection, it is so ordered.

Mr. FRIST. Mr. President, let me briefly outline—because that wording is very complicated—what that means. At approximately 9:30 we will begin voting and we will have a vote on the border fence. Following that, we have a cloture motion to concur with the House on child custody. That also would be a rollcall vote. Following that, there is a short period of debate on Homeland Security, and we have a third rollcall vote on Homeland Security. Following that, port security will be dealt with, which should not require a rollcall vote, and the adjournment resolution, which should not require a rollcall vote.

Thus, we would have three rollcall votes in this unanimous consent request.

The PRESIDENT pro tempore. The Democratic leader.

Mr. REID. It took 2 minutes to read this but it took a lot longer than that to get the 2 minutes in writing.

I appreciate everyone's cooperation, Democrats and Republicans. This is not a perfect end of this session. However, I think it shows there has been tremendous cooperation today, and we will have more to say at a later time. Thanks, everyone.

The PRESIDENT pro tempore. The Senator from Colorado is recognized. The Senator 9 minutes and 19 seconds.

IMMIGRATION REFORM

Mr. SALAZAR. Mr. President, before the unanimous consent request from my colleagues, I was talking about

what we had done together in the bipartisan spirit of moving forward with a comprehensive immigration reform package that the President had requested us to work on together and on which there was a great deal of leadership on the part of the Members in this Chamber to accomplish a task which the Nation needed.

That was a piece of legislation which was the law and order bill. It dealt with border security. It dealt with the enforcement of our immigration laws. It dealt with the system of penalties and registration that would have brought the 12 million people who now live within the shadows of America out of the shadows. It is an important piece of legislation.

Yes, there was disagreement in the Senate as we debated that bill for almost a month. At the end of the day, Democrats and Republicans came together to pass a comprehensive immigration reform.

I will quickly review a few of the components of that bill. First, with respect to border security, we said we would add 12,000 new Border Patrol agents. We would create additional border fences. We would provide new criminal penalties for the construction of border tunnels, the legislation pushed by my colleague, Senator FEINSTEIN from California. We would add new checkpoints and points of entry so we could control our borders. And we would expand the exit-entry security systems at all land borders and airports.

We took some significant steps forward in the legislation, including a 370-mile fence, which was an amendment. We took significant steps forward on legislation that was tough on border security. It included legislation that was an amendment proposed by the Senator from Alabama which would have constructed a 370-mile fence. That was a comprehensive piece of legislation.

In addition, we said we would be a nation of laws and we would enforce our laws. We did that with a number of different provisions which included an additional 5,000 new investigators. It included 20 new detention facilities. It included provisions to reimburse the States their costs for detaining and imprisoning criminal aliens. The list goes on. It was a tough bill that said, we are going to enforce the immigration laws of our country.

We did not stop there because we have the reality of an elephant in this room, in this country: the 12 million people who live here. Under the leadership of Senator MCCAIN and Senator KENNEDY, we came up with a program that would have brought these 12 million people out of the shadows through a system of penalties and registrations that would have applied to them. We would have required they pay a fine of $1,000 initially. It would require they register with the U.S. Government, that they pay an additional $1,000 fee. They go to the end of the line, the back of the line, they learn English, and a whole host of other steps.

Our bill was a comprehensive bill. One of the finest moments of this Senate was that there were a number of Republicans and Democrats who came together to pass that legislation.

Tonight, unfortunately, we are in a position where the politics of the day and the politics of the Senate have triumphed over the national security interests which we addressed in this legislation.

The values that drove at least my participation in that debate, along with my colleagues including Senator MARTINEZ from Florida, were simple values. They were the values that said we are a nation of laws. That means we have to have a law that is going to work, that is going to secure our borders, that is going to get rid of the lawlessness we currently face.

The other value that drove me is something which Senator MCCAIN, my friend from Arizona, often talked about when he talked about the hundreds of people who are dying in the deserts of his particular State. To me, those values are values that we should keep at the forefront, the value of us being a nation of laws and also the moral values we have to the rest of humanity.

I do not believe that this political gimmick of a fence that is arbitrarily dictated by Washington to Arizona, California, and Texas is the right way to go. I don't need to go very far to find people would have agreed with me. The Commissioner of Customs and Border Protection under this administration says it doesn't make sense. It is not practical. That was on June 20 of this year. The Attorney General of the United States, Gonzales, said, ''I think that's contrary to our traditions.'' Secretary Chertoff said that, in fact, building a fence in the desert might be problematic and unrealistic.

There are a number of people in the Bush administration who raised an objection to this particular proposal that we are considering tonight.

Mr. DURBIN. Will the Senator yield?

Mr. SALAZAR. May I keep going for a couple of minutes and I will be happy to yield for a question from my friend from Illinois.

I say to my friends who are listening tonight, I do have some personal history on this issue because my family came here in 1598, long before Jamestown, some 12 generations ago. We have been around a long time.

My own history is one where I know I am the first Mexican American to serve in this Senate in 30 years—the first Mexican American in 30 years and the only one, ever, elected to the Senate outside of the State of New Mexico.

When I look at this issue of the border, I approach it from the point of view that we as a nation have a sovereign responsibility to protect our borders. We have a responsibility to make sure we have a systematic law in place that deals with the immigration issues of our country. But I also believe, just as Ronald Reagan asked Mr. Gorbachev to take the wall down between East Germany and West Germany in order to end the cold war, there will come a time when, hopefully, this Senate is part of taking down this wall between Mexico and the United States.

Before I conclude, I yield to my friend from Illinois for a question.

Mr. DURBIN. I thank the Senator from Colorado. I thank him for his leadership on comprehensive immigration reform which includes real border enforcement, workplace enforcement, dealing with the needs in our country for immigration—legitimate legal immigration—and also dealing with those who are here who should be given a chance to earn their way toward legal status.

I also agree with my colleague from Colorado about this notion of a 700-mile fence. No matter where I go in the State of Illinois, I ask people, Do you see the weakness in the logic and the weakness in the argument of a 700-mile fence on a 2,000-mile border? It is obvious. It is pretty clear to me that this political bidding war on a border fence has more to do with the security of those who are up for reelection in just a few weeks than the security of America.

You do not have to be a law enforcement expert or an engineering expert to know that this fence, as it has been defined in this bill, is so expensive—$6 billion—and that we are now passing a homeland security bill that has $1.2 billion, not nearly enough to even start and build half of this fence.

So the realistic thing to do, as the Senator from Colorado and I have tried to do, is to work for sensible fences, sensible barriers, the best technology, the best security personnel, work for those processes and technologies that will truly make sure the illegal immigrants stop coming across our border.

I thank the Senator from Colorado for his leadership.

Mr. SALAZAR. Mr. President, I thank the leader and great Senator from Illinois for his leadership in putting together the comprehensive immigration reform package.

Parliamentary inquiry: How much time do I have, Mr. President?

The PRESIDING OFFICER (Mr. ISAKSON). Fifty-four seconds.

Mr. SALAZAR. Fifty-four seconds. Let me just conclude. Mr. President, I hope as we move forward as a Senate we can find the courage in this body tonight to turn down this political gimmick; that in this body there are statesmen and people of principle who believe we ought to put our national security interests ahead of politics; that there are people in this body who believe we ought to address the economic realities of America's farmers and ranchers and construction workers, construction companies, and others; that there are people in this body who can look at the future of the Western Hemisphere, including our relationship with Latin America, and

recognize that at the end of the day the fence that is being proposed today is going to be inimical to the long-term interests of the United States of America as we unite as a global community to deal with the issues of terrorism around the world; that this fence is going to be something that is going to hurt us in building those alliances.

Mr. President, I urge my colleagues to vote against this fence bill. And I urge we do it in a bipartisan way.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, there is now time for a speaker from the majority side until 9:10.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield back the 10 minutes to the majority.

The PRESIDING OFFICER. The Senator yields back 10 minutes to the majority, the majority's time until 9:10.

The Democratic leader.

Mr. REID. Mr. President, I have 3 minutes, and for the benefit of everyone here, I might as well use it now. There is nobody else to speak, is there?

The PRESIDING OFFICER. The Chair sees no one else. The Senator from Illinois appears to be trying to do that.

Mr. DURBIN. Mr. President, I would like to speak briefly, if I might.

Mr. REID. I have time under the order. Please go ahead.

Mr. DURBIN. Mr. President, I thank the Democratic leader. I ask unanimous consent to be recognized as in morning business to speak for 5 minutes.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

UNANIMOUS CONSENT REQUEST—S. RES. 594

Mr. DURBIN. Mr. President, just 2 days ago I came to the floor and introduced a bipartisan resolution, the resolution cosponsored by myself, Senator MARK DAYTON, Senator NORM COLEMAN, Senator TOM HARKIN, and others. What did the resolution say? It said that we would recognize that we are about to observe the fourth anniversary of the death of our former colleague, Paul Wellstone, who died in an airplane crash during his campaign for reelection to the U.S. Senate for Minnesota.

It speaks of his service to Minnesota, the fact that he was a loving father and husband, that he dedicated his life to public service and to education, and that he worked tirelessly to advance mental health parity for all citizens of the United States.

This, of course, goes on to explain, in the course of this resolution, that Paul Wellstone died before he could pass the most important bill on this subject, the mental health parity bill. So I resolved that:

> [O]n the fourth anniversary of his passing, Senator Paul Wellstone should be remembered for his compassion and leadership on social issues throughout his career;
>
> Congress should act to help citizens of the United States who live with a mental illness by enacting legislation to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limits are imposed on medical or surgical benefits. . . .

That language in this resolution is directly from the Domenici-Wellstone bill on mental health parity. I go on to say:

> [M]ental health parity legislation should be a priority for consideration in the 110th Congress.

The next Congress.

Mr. President, I never dreamed that anyone in this Senate would object to this resolution, this resolution acknowledging the death of our former colleague and asking that the great cause he dedicated most of his public life to continue, and that we pass this bipartisan bill which has been pending on the floor.

That was the reason I brought this to the floor. I thought it would pass without controversy. I was shocked to learn that someone has put a hold on this resolution. I cannot understand that.

I would now ask the clerk if it is necessary—I would like to make sure that this resolution has been filed.

The PRESIDING OFFICER. Will the Senator please restate his inquiry?

Mr. DURBIN. My question to the clerk is whether this resolution has been filed.

So as to expedite this, what I would like to do is send this resolution to the desk that I have in my hand and ask unanimous consent for its immediate consideration and adoption of the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, there is an objection on this side.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, imagine that, observing the fourth anniversary of the death of one of our colleagues, acknowledging his life of public service, and simply asking that the next Congress take up his bill to try to make sure those suffering from mental illness will get fair treatment and compensation under their health insurance plans, I find it hard to believe. But if that is the nature of our business, if we have reached that level of partisanship, then it is regrettable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I understand what the problem is on this resolution. All of us loved Paul Wellstone. What an advocate he was. What a believer he was. But in this legislation, as I understand this resolution, it calls explicitly for the endorsement of those who support the resolution of a mental health piece of legislation that is not universally accepted. Some people, I understand, have suggested we use a different, a general affirmation of the goal of that legislation, and that we could all support.

But I think it is a bit much to ask, on a resolution, without any study, that this Senate take a position on a specific piece of legislation. I think that is where we were on it. Everybody who knew Paul Wellstone loved Paul Wellstone. I am sorry and think almost, I have to say, it is a little bit unfair and not collegial to push the legislation or the resolution as worded in a way that makes any of us feel that we would not be acceptable to a resolution to honor Paul Wellstone.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I submitted the language in this resolution to the Republican side. I have worked on three different versions of the language to find something that mirrors the language, the purpose clause, of the bill that was introduced by Senator DOMENICI and Senator Wellstone, calling on the Senate to try to enact legislation to meet that goal.

There may be Senators who vote for this resolution and want to offer an amendment or change it. That is the way this place works. But to suggest if you call for legislation to give people with mental illness a chance for compensation in your health insurance that it is not collegial—it is not collegial? I have offered this resolution and amended it twice in an effort to be as collegial as possible. But it is hard to understand.

Mr. SESSIONS. Mr. President, will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. SESSIONS. The Senator has asked that this body, through the adoption of this resolution, endorse a piece of legislation that everybody is not prepared to endorse. We would be prepared to endorse the concepts contained in the resolution. And I think that has been communicated to you. I do not see how you could expect—unless you expect unanimous support for the piece of legislation as written—that you could ask everybody to accept it.

I think you are overreaching, Senator DURBIN, in all due respect. And could we work on that? I would be glad to talk to you about it.

Mr. DURBIN. I say to my friend from Alabama, we have been working on it for days.

Mr. SESSIONS. Well, I am prepared to—

Mr. DURBIN. Excuse me. I have the floor. If the Senator would like to vote against the resolution, that is his right. But to say that we are not even going to consider this resolution, I think, is regrettable.

SECURE FENCE ACT OF 2006—Resumed

The PRESIDING OFFICER. The hour of 9:10 has arrived. Under the previous order, the clerk will report the unfinished business.

The legislative clerk read as follows:

A bill (H.R. 6061) to establish operational control over the international land and maritime borders of the United States.

Pending:

Frist amendment No. 5036, to establish military commissions.

Frist amendment No. 5037 (to amendment No. 5036), to establish the effective date.

Motion to commit the bill to the Committee on the Judiciary, with instructions to report back forthwith, with an amendment.

Frist amendment No. 5038 (to the instructions of the motion to commit H.R. 6061 to the Committee on the Judiciary), to establish military commissions.

Frist amendment No. 5039 (to the instructions of the motion to commit H.R. 6061 to the Committee on the Judiciary), to establish the effective date.

Frist amendment No. 5040 (to amendment No. 5039), to amend the effective date.

MOTION TO COMMIT

The PRESIDING OFFICER. The pending motion to commit is inconsistent with the invocation of cloture. The motion falls.

AMENDMENT NO. 5036 WITHDRAWN

Under the previous order, amendment No. 5036 is withdrawn.

The bill was ordered to a third reading and was read the third time.

Mr. SPECTER. Mr. President, since all of our efforts to go to conference with the House and to secure comprehensive immigration reform were unsuccessful, I am reluctantly voting in favor of the H.R. 6061, the Secure Fence Act of 2006. After many hearings and a laborious markup, the Judiciary Committee produced a comprehensive bill providing for border security, employee verification, guest workers and a sensible plan to handle the 11 million undocumented immigrants.

Despite repeated efforts, we were unable to secure a conference with the House to reconcile differences between the bills the House passed and the Senate legislation.

There was successful opposition to piecemeal legislation by the House that would have, for example, enabled state and local police to enforce immigration laws. During a field hearing I held at the Philadelphia Constitution Center on July 5, 2006, Philadelphia Police Commissioner Sylvester Johnson testified that making local enforcement of immigration law would undermine the basic function of local police. He further testified that ''once we start enforcing immigration law, then we are going to lose . . . that response from the immigrant community because they are not going to contact us. Nor will they contact us if they have information about other people, about other violence-type things.''

The one major issue which has reached the Senate for a vote despite our efforts to avoid piecemeal legislation is the fence issue. As to the substance of the construction of the fence, I have long supported this facet of border security—in fact, our bill produces 370 miles of fencing through major urban areas and adds 500 miles of vehicle barriers along the U.S./Mexico border. On this state of the record, since I do support the construction of the fence and since we have succeeded in avoiding any substantial piecemeal legislation, I am casting my vote in favor of H.R. 6061.

Mr. LEAHY. Mr. President, this year the Senate passed a comprehensive immigration bill. Senators and staff worked tirelessly to negotiate and pass that bill, which was a comprehensive, fair solution that respected human dignity, and recognized the need for strong border security. The response we got from the majority in the House of Representatives was obstruction. Rather than proceed to a conference to try to hammer out a meaningful solution, the House leadership ignored our calls to proceed and spent the month of August holding sham hearings on the Senate's bill meant only to undermine the work we completed and inflame anti-immigrant passions. Now the House leadership, enabled by the majority leader, asks us to forget all about the efforts we made and take up and pass a narrow, unbalanced bill to help their election chances.

If there is any doubt that this effort by the majority leader is political, consider the timing of this bill. On September 21st of this year, just as the majority leader brought this bill to the floor, the Department of Homeland Security announced the beginning of its Secure Border Initiative with the award of a multi-year, billion-dollar contract to the Boeing Corporation to begin work on a state-of-the-art border security system. Yet, at the same time the Department of Homeland Security tries to secure the border with 21st Century technology, the Senate majority seeks to duplicate and confuse those efforts with a plan straight out of the 18th century. Despite the numerous problems in that agency, it is still a better idea to let them proceed with the Secure Border Initiative than it is to throw even more taxpayer money at a redundant and inferior project.

The majority leader seeks to pass this legislation—with little debate and no amendments—to pander to the anti-immigration crowd. I understand that the Republican majority wants to leave this session with something they can take with them and hold up as a Republican victory for national security, but true security means more than hiding behind walls. We should be unwilling to sacrifice our chances at comprehensive reform to appease the isolationist faction in this country. Voting against this bill is not a vote against national security; it is a vote in favor of the comprehensive bill the Senate already passed.

Regrettably, this bill also contains a requirement for a study to be conducted on the necessity and feasibility of a barrier on the Canadian-American border. I have filed an amendment to strike this study, but the majority leader, as is his practice when bringing up controversial bills to score political points, has obstructed Democratic Senators from offering amendments to improve this bill. To think that we would even consider engaging in this type of unilateral behavior is mind-boggling. Have we learned nothing from the Bush-Cheney administration's go-it-alone strategy? As a Senator from a northern border state, I cannot emphasize enough how important it is for us to engage our neighbors in a cooperative manner when it comes to security. If we were to pass this legislation, we would send a message to our Canadian allies that we don't trust their ability to achieve security and we would ignore the fact that border security is in both of our best interests. We will achieve much more by working respectfully and cooperatively with the Canadian government than we will by conducting studies as to whether we should wall off one of our most valuable allies.

Another deeply troubling aspect of this bill is the virtually unlimited grant of authority to the Department of Homeland Security to ''take all actions . . . necessary and appropriate'' to secure the country's border. The bill's grant of authority to the Secretary of Homeland Security lacks any boundaries—any delineation of where such authority ends. It would abdicate congressional authority and delegate, with no intelligible principle, unlimited power to an executive agency to achieve broad goals, for which the method of achievement is left undefined. Recall that this is the same agency that was responsible for the utter failure in responding to Hurricane Katrina. We are still coming to grips with the fallout from that disaster, which was made worse by the administration's incompetence during the storm, and its continuing failures to curb contracting abuses that have slowed the reconstruction. People along the gulf coast continue to suffer as a result of the administration's incompetence, and we are here debating whether to embark on yet another billion-dollar contracting folly. This is a disgrace.

This week, the U.S. inspector general for Iraq reconstruction released a report on a $75 million project to build the Baghdad Police College, which the inspector general called ''the most essential civil security project in the country.'' In his report, the inspector general called the project a ''disaster'' and said ''the truth needs to be told about what we didn't get for our dollar from Parsons,'' the contractor responsible for the debacle. For $75 million in taxpayer funds, the American people and the Iraq police forces got a building that is currently uninhabitable due to substandard workmanship, and which may have to be demolished.

When the Bush administration proves that it cannot even ensure that one of the most critical aspects of Iraq reconstruction is done competently, I shudder to think about the potential abuses that could come along with the building of 700 miles of fence. At the rate

that this administration's crony contractors are performing, I have to wonder if a fence ever could get built that didn't have gaping holes in it. Before we hand over even more authority to the Bush-Cheney administration to create yet another opportunity for their crony contractors to rip off the American people, maybe we should actually conduct some oversight and demand some sorely needed accountability.

Groups from all over this country, from all sectors of our society have weighed in against the building of this fence. From religious leaders to immigration advocates, from environmental organizations to trade associations, from women's rights organizations to academics; opposition to this last-minute, cobbled-together-proposal is widespread. It is clear to me that the idea of turning our country into a fortress is an idea that many Americans view as contrary to our values and our heritage, and I will stand with them in opposition to this bill.

The proposed footprint of this fence will trench through the sovereign territory of the Tohono O'odham Nation in Arizona, who will be precluded from any involvement in the project. Chairwoman Vivian Juan-Sanders of the Tohono O'odham Nation wrote Members of Congress urging legislators to rethink this proposal before we decide to significantly impair a fragile environment and a long-developed working relationship between the O'odham Nation and the United States government to improve border security. We would do well to listen to the concerns of those whom this bill will affect most.

Secretary Chertoff has said the border fencing provisions contained in the Senate's comprehensive immigration bill are what the department needs to secure our borders. During our debate on comprehensive immigration reform, Republican Senators held out Secretary Chertoff's desire for the 370 miles of fence as justification for supporting that amendment. Those same Senators who spoke so forcefully about the need for 370 miles of fencing now are saying we need more, nearly twice as much. It seems clear now that the arguments from those Senators meant very little.

For those who fear that voting against this bill will allow them to be viewed as ''soft'' on national security, remember that this body already passed a bill that contained provisions for a border fence, along with many other significant security measures. The American people are smart enough to understand what is going on here, and I am confident that the American people are sick and tired of being scared into swallowing every irresponsible proposal put forth by this Republican Congress under the guise of national security. Yesterday, a majority of this body voted to erode key elements of our Constitution beyond recognition, and passed a bill that I am certain we will come to regret. If we pass this fence legislation, we will continue this downward spiral of reactionary, fear-driven legislating. It is time for us to stand up against those who seek to corrupt the underpinnings of our democracy. I have had enough, and I suspect that a majority of the American people have had enough.

We need to stop and think about the mark a fence like this will make on our character as a nation. Once this fence is built, it will be very difficult to go back, and we will have taken a step down a road that I do not think a civilized and enlightened nation should travel. In a country on the cutting-edge of technology, with a history of legendary ingenuity, and driven by innovators of the highest caliber, we can do better: we can secure our borders through human innovation, technology, and vigilance. When we approach our immigration situation in a comprehensive manner, we will see how unnecessary this wall is. When we achieve comprehensive reform, rather than piecemeal false solutions, we will realize the security we need. Long after the political and cultural storms over immigration pass, this cobbled-together fence will remain an ugly scar, and will serve as a reminder of a very poor decision made out of fear rather than reason. Rather than strength, this fence will symbolize weakness and a lack of confidence in ourselves. I will vote against this bill, and I hope other Senators join me in rejecting this blatant and costly political stunt.

Mr. SANTORUM. Mr. President, as I traveled across all 67 counties of the Commonwealth of Pennsylvania, almost to a person my constituents understand that America is not controlling our borders. From Berks to Butler, from Wayne to Westmoreland and Erie to Philadelphia, and across all income bracket and regardless of race, thousands of people tell me everywhere I go that we have to address our border security now. More than that, they tell me we must not reward or give preferential treatment to illegal aliens whose first step on our soil was a violation of our laws. They are clear, they do not want amnesty.

And I hear from all the talking heads and think tank wonks about how our Nation is a nation of immigrants. Well, obviously, except for the Native Americans, we are all immigrants from somewhere, and I am no exception.

My grandfather made so many sacrifices to give my family the opportunities we have all had. He left his family back in Riva de la Garda, Italy, to come to America and make a better life for them. He worked in the Pennsylvania coal mines and met the legal requirements to bring over my grandmother and my dad to Pennsylvania but that meant 5 years away from his family to earn the right to bring them over. Yes, immigrants are more than welcome in America, and they have made great incredible contributions to our society—but they have done so legally.

My family and millions of others have lived the American dream of finding good paying jobs, better education and safe environments for our children. The key is that it can and must be done legally. The foundation for the American dream must be built on the solid cornerstone of the rule of law, not the leaky sieve that characterizes our current borders.

This immigration crisis has been caused by decades of flawed amnesty policies that have left our borders porous and dangerously undermanned. The public is understandably frustrated that in the post-9/11 world we live in where our national security depends on our border security—we still do not know who is coming into our country, where they are from, and what they are doing here. I share their frustration and cannot for the life of me understand why my colleagues continue to put partisanship and posturing over our national security.

The 9/11 Commission stated in the preface of its report that ''[i]t is perhaps obvious to state that terrorists cannot plan and carry out attacks in the United States if they are unable to enter the country.'' Unfortunately, many of my Senate colleagues do not think this is so obvious. Well, it is obvious to the U.S. attorney for the Eastern District of Pennsylvania who, in applying for an antigang grant, said that with the influx of illegal immigrants to the 222 Corridor that ''the Latin Kings, Bloods, NETA and lately MS–13, are recruiting or fighting with local gangs for control of the drug markets. Violence is a daily by-product.''

The evidence is clear that the current immigration crisis poses an immediate threat to our communities—gang violence, drug trafficking, murders, rapes, and the burdensome costs shouldered by our public education, health, and housing systems. Just last week the Immigration and Customs Enforcement arrested more than 100 criminals, fugitive aliens, and other immigration status violators living throughout Pennsylvania—from Philadelphia to York to Pittsburgh. Among those arrested were individuals convicted of sex offenses, burglary, larceny, robbery, criminal trespass, weapons violations, narcotics violations, aggravated assault, shoplifting, fraud, and resisting arrest.

It is time—well, frankly it is well past time—that we put first things first—we must secure our Nation's borders now.

Our friends in the House passed an immigration bill that understands the urgency of securing our borders, but it is impractical—both in enforcement practice and in politics. And then the ''comprehensive'' Senate bill did exactly the wrong thing—offering illegal immigrants amnesty, providing them Social Security benefits, relieving them of tax burdens Americans face, and giving them better worksite employment rights than American citizens enjoy. It was the wrong bill at the

wrong time and failed to pass the one real test of securing our borders.

Yet as I travel the State, it is clear to me that many people do not know what all is in the Senate bill. That lack of information is dangerous for our national security but even more dangerous to our Pennsylvania jobs, tax revenue, education system and social welfare costs.

So let me start by reminding you what is wrong with S. 2611.

It does not protect American workers. In fact, Americans—U.S. citizens—can be put out of work—or their wages reduced—by the employment of the guest foreign workers.

It gives social security benefits for illegal work or stolen identities. Why does this matter? Ask my constituent—Laurie Beers—who had her Social Security number stolen by an illegal immigrant. Laurie is a hard-working hospice nurse who is constantly traveling. Recently, after Laurie learned that her information had been stolen and misused she did all of the right things—contacted the Federal Trade Commission to report the identity theft, called the identity theft hotline, contacted the three credit bureaus to obtain copies of her credit report, contacted the FBI and the Secret Service to report this breach of trust. In response, Laurie received letters confirming she was a victim of identity theft. When she contacted the Internal Revenue Service, she was told that the man using her Social Security number is an illegal immigrant. After talking to the FBI and the Secret Service, they confirmed that the person is an illegal immigrant. And this illegal immigrant has been working for an employer in New York and has even been filing income tax returns on Laurie's Social Security number.

Laurie is understandably upset that the IRS has known for 3 years that someone else has been using her social security number but did nothing to notify her or to stop the theft of her identity. Unfortunately, the employer—Adecco—will not cooperate with Laurie. In fact, Laurie reports that they have been downright nasty. Laurie is lucky in that her credit has not been destroyed, but she has been damaged. The person who stole her identity wrote a bad check to J. C. Penneys and now Wal-Mart will not accept Laurie's checks—something that will show up on her credit report.

That bill forgets the ''guest'' part of ''guest worker'' as the ''guest worker program'' is neither temporary nor based on the need for non-American workers.

It requires Mexican ''cooperation'' to protect our own borders.

This bill provides amnesty, but tries to calls it ''earned legalization.'' Proponents of the bill say that this is not amnesty, and that an alien has to meet certain conditions; but do they really? Illegal aliens in the amnesty program are supposed to pay a fine of $2,000. However, that $2,000 fine only has to be paid ''prior to adjudication,'' or up to 8 years from now. And they get a benefit Americans would love to have. Under the bill, illegal aliens only have to pay 3 of their last 5 years in back taxes. They get an option of which years, while Americans do not get that choice.

It give employers a free pass for hiring illegal aliens. The bill says that employers of aliens applying for adjustment of status ''shall not be subject to civil and criminal liability for employing such unauthorized aliens.'' Unbelievable.

The bill will dramatically raise spending and increase welfare costs. The Congressional Budget Office and the Joint Committee on Taxation, JCT, estimate that this bill would increase direct spending by $16 billion over the 5 years and $48 billion over 10 years. But what about all of the entitlement programs such as welfare? Illegal immigrants are currently ineligible for most federal welfare benefits, but when you give citizenship as this bill does those currently here illegally will be eligible for welfare programs. If just 60 percent of those currently here illegally get citizenship—the ballpark figure of the number that have been here more than 5 years—Robert Rector at the Heritage Foundation estimates that welfare costs will increase by more than $11 billion per year.

However it may be even more important to note what the Senate bill did not do. We know that we must secure our borders, so my colleagues and I tried to add a provision to require a certification that the borders are secure before granting legal status to any alien who entered the United States illegally. I was not only surprised but extremely disappointed that our efforts to do this right—to secure our borders first before dealing with the 11 million illegal aliens in our country—failed. So that bill continues to put the cart before the horse—and continues to hold our national security hostage to a ''comprehensive solution.''

For this reason, in June I introduced my own bill—the Border Security First Act, S. 3564. My bill takes a first-things-first approach. This first step cannot, and should not, wait for a ''comprehensive'' solution. When we secure our borders—and only then—we can address the remaining illegal immigration-related challenges with the apposite remedies.

Despite consensus on all of the border security provisions in my bill, my colleagues on the other side of the aisle have not allowed us to move forward that legislation. Nonetheless, this week the Senate is working to send to the President a bill to secure our southern border with 700 miles of at least double-layer fencing. I am glad we are here today to take a real first step—admittedly a modest step but at least a first step—toward demonstrating to the American public that we have heard you, that we understand we need to address border security first.

And the American public has been clear, but let me focus on my State for a minute. In Pennsylvania, my constituents have been clear—80 percent oppose amnesty for illegal immigrants, and 84 percent support building a fence on the southern border. Stop the flood and do not give amnesty. That is the message, colleagues. It cannot be plainer. We must listen and put America's border security first, reject amnesty, and pass this bill.

Border security cannot wait for more hearings, debate, and compromise; it must be done right, and it must start now. This bill is a good first step.

Mr. KERRY. Mr. President, on May 17 of this year, the Senate passed a comprehensive immigration reform bill that contains a real solution to the immigration crisis in this country. S. 2611 was passed with strong bipartisan support. In a Congress that has been marred by partisan politics, the success of this bill—this truly bipartisan compromise—was a breath of fresh air: an achievement to be proud of.

What has happened now, however, is something to be ashamed of. Once again, politics has hijacked policy. Knowing they cannot go home without taking some action to address immigration, Republicans in Congress have decided that saving their seats is more important than securing the borders.

You might wonder how we got here—when the Senate passed comprehensive immigration reform back in May and the House passed an enforcement only bill in December 2005. Once again, the answer is politics. Rather than moving to conference to work out some sort of compromise on these bills, Republicans in the House traveled around the country holding 60 one-sided hearings under the guise of gathering evidence.

This was not a good-faith effort to create effective policy. It was a stalling tactic used to run out the clock on comprehensive reform. That kind of political gamesmanship will not work on me.

Everyone under the sun is for fencing on the border. A fence is an important part of comprehensive reform. I supported an amendment to the comprehensive reform bill that authorized 370 miles of triple-layered fencing and 500 miles of vehicle barriers along the southwest border. And I supported $1.8 billion in funding for the construction of that fencing and 461 miles of vehicle barriers. I supported construction of this fence because I believe that it is a critical part of comprehensive immigration reform.

But no one in a million years thinks this is the answer. No one in the world thinks Congress should pass this fig leaf and call it a day. If you address the reasons why immigrants come into our country—their ability to find work with a relatively small chance of getting caught—as well as how they come in, then increased fencing makes much sense. Fencing alone simply cannot work.

You don't have to take my word for it. Governor Janet Napolitano of Arizona, a border State where much of the illegal border crossings occur, said this about the fence proposal:

> You show me a 50-foot wall and I'll show you a 51-foot ladder . . . That's the way the border works.

Consider the words of the former Secretary of Homeland Security, Tom Ridge. He said:

> Trying to gain operational control of the borders is impossible unless our enhanced enforcement efforts are coupled with a robust Temporary Guest Worker program and a means to entice those now working illegally out of the shadows into some type of legal status. . . . [E]ven a well-designed, generously funded enforcement regimen will not work if we don't change the immigration and labor laws that regulate how would-be workers can come to the United States.

What he is saying is that only comprehensive immigration reform, such as S. 2661, will actually fix our immigration problem.

And, you know what? His former boss, the President of the United States, would agree. Speaking in the Oval Office just days before the Senate passed S. 2611, the President said:

> An immigration reform bill needs to be comprehensive because all elements of this problem must be addressed together, or none of them will be addressed at all.

Current Secretary of Homeland Security, Michael Chertoff, also endorses comprehensive immigration reform:

> For [our] Secure Border initiative to be fully effective, Congress will need to change our immigration laws to address the simple laws of supply and demand that fuel most illegal migration and find mechanisms to bring legal workers into a regulated, legal Temporary Worker Program, while still preserving national security.

Perhaps most importantly, the people on the ground in the front lines of the immigration struggle tell us that only comprehensive immigration reform can work. As Jeffrey Calhoon, deputy chief patrol agent for the Yuma sector of the Border Patrol said:

> We need a comprehensive immigration reform that provides additional resources for border security, establishes a robust interior enforcement program and creates a temporary worker program.

A vote cast in favor of this fence—in the absence of comprehensive reform—is a vote cast in favor of a piecemeal approach that we know will fail, is a vote cast against comprehensive immigration reform. That is what this vote is about. As my friend Senator SPECTER, said, voting for the Secure Fence Act will undermine our chance to enact comprehensive reform. He should know. He is the chairman of the Senate Judiciary Committee.

The Secretary of Homeland Security has not asked for the amount of fencing provided for in this bill. Although the bill does not authorize a specific amount of fencing, it does dictate exactly where the fencing should be put up. Some people believe the bill authorizes 730 miles of fencing, but Customs and Border Protection, CBP, however, estimates that it will require 849 miles of fencing to get the job done.

We can't even estimate the amount of fencing based on funding levels because the bill contains no specific funding authorization. We do know, however, that it will be expensive. The Department of Homeland Security estimates the cost of a single layer of fencing to be $4.4 million a mile and vehicle barriers to $2.2 million. Because double fencing requires extra money for building all-weather roads, the total estimate from the Department of Homeland Security is $6.6 billion, $9 million a mile.

There are many other things that we could do with that kind of money. We could hire, train, and equip more Border Patrol agents. We could purchase more detention beds to end our unfortunate ''catch and release'' policy. We could place more port-of-entry inspectors and canine detection teams in the field. We could invest in new technologies for border protection, or in an interoperable communications system for the Nation's first responders. But no, Congress would rather punt on the tough decisions and dodge the real debate. What a disgrace.

I oppose this failure of the Senate to do its job and live up to its responsibility. I sincerely hope that this vote does not signify the beginning of the end of comprehensive immigration reform as I fear it does.

Mr. REED. Mr. President, for an immigration measure to be effective, two aspects are necessary. One aspect is enforcement and the other is addressing the status of millions of undocumented immigrants who are living in the United States.

The Senate spent several weeks earlier this year debating a comprehensive immigration bill which struck an acceptable balance between enforcement and legalization. We passed that bill but House and Senate Republicans have been unable, despite months of negotiations, to come up with a final bill. This is irresponsible at best.

The secure fence bill only addresses enforcement but worse, it only addresses a small part of enforcement. This bill builds a wall. A wall that will cost as much as $9 billion. And a wall that will be ineffective. As Governor Napolitano of Arizona said, ''You show me a 50-foot wall and I'll show you a 51-foot ladder at the border. That's the way the border works.''

Apprehending individuals illegally crossing the border only partially solves the problem. First, half of the undocumented immigrants in this country came here legally and then overstayed their visas. A fence will not solve that problem.

Second, the reason so many try to enter this country is the search for jobs. We must work to cut off the supply of jobs by making it too costly for employers to hire the undocumented. There are laws on the books that do this, but these laws have rarely been enforced by this administration.

Furthermore, no immigration law that we pass will be effective if we do not negotiate and sign bilateral agreements with other countries on numerous issues including taking back aliens removed from the United States, document forgery, smuggling, human trafficking, and gang membership.

Immigration is one of the most important issues Congress has to address. But we did address it in March. It was thorough and thoughtful yet tough, and it is the conference report for that bill that we should be passing tonight, instead of this ineffective enforcement bill.

Mr. MCCAIN. Mr. President, I would like to discuss the bill pending before us, the Secure Fence Act of 2006.

Over the past year, many Senators, as well as President Bush, have dedicated themselves to addressing the problems of our broken immigration system. In April, the Senate overwhelmingly passed, in a bipartisan fashion, a comprehensive immigration reform package designed to secure our borders as well as address the economic need for workers in our Nation. In passing this legislation, the Senate rejected the argument for an ''enforcement first'' strategy that focuses on border security only, an ineffective and ill-advised approach. Congress cannot take a piecemeal approach to a national security crisis. I believe the only way to truly secure our border and protect our Nation is through the enactment of comprehensive immigration reform. As long as there is a need for workers in the United States and people are willing to cross the desert to make a better life for their families, our border will never be secure.

The Secure Fence bill authorizes 700 miles of fencing along our southern border. To many in Congress, this sounds like a ''quick fix'' to our border security problems. However, in a briefing before the Senate Judiciary Committee last spring, Secretary of Homeland Security Chertoff clearly stated that only 370 miles of fencing along the southern border is necessary. I find it interesting that this bill would mandate 700 miles of fencing in light of the Secretary's statement. In fact, it is my understanding that the Secretary feels that the additional 330 miles of fencing is not only unnecessary but also imprudent because it will force DHS to reduce funding other border security initiatives.

Because of the clear wishes of the Secretary and the concerns of border communities over the disruption the construction will cause to commerce along the border, a group of Senators, including myself, had hoped to offer and vote on an amendment that would allow the Secretary of Homeland Security, the true expert on securing our border, to decide where fencing was necessary along the border and where money was better spent on other types of border security measures. It would have asked for local community input on the placement and construction of

this wall. My understanding is that this amendment had been circulated in both Chambers and no objections had been raised by the leadership in the House or the Senate or the committees of jurisdiction. Unfortunately, because of the objections of a single Senator, we are now unable to offer and vote on this commonsense, fiscally responsible amendment.

Another amendment that we had planned to offer, dealing with the definition of ''operational control'' of our border, met the same fate. This amendment would have given a reasonable and achievable meaning to the term ''operation control'' as it relates to the Secretary's duties in this bill. However, again, the same Senator raised an objection to the clarification of this definition. I believe that this bill, and more importantly, our Nation's security, will be worse off for this objection to making commonsense improvements to this bill.

I have struggled and debated over how I should vote on this bill. I truly believe that we must have comprehensive immigration reform and will continue to dedicate myself to achieving a thorough response to our Nation's struggles with illegal immigration. However, since I am forced to choose between nothing and a fraction of the border security that our country needs, I must support providing some form of border security. As a Senator from a border State, I recognize that we are facing a crisis in our border region and infrastructure improvements to our border security are desperately needed.

If Congress thinks that it can continue this piecemeal approach to border security and achieve any real results for our national security, it is sadly mistaken. Mr. President, I hope that we can return in either a lame-duck session or in the 110th Congress to not only correct the problems in the bill before us but also make a serious effort at comprehensively reforming our Nation's immigration system.

Mr. DODD. Mr. President, I would like to take a few moments to explain why I voted against limiting debate on the Secure Fence Act of 2006 when that vote occurred last night.

In large measure my decision to vote against cloture was procedural. This Senate has had no opportunity to debate and amend the bill before us today. There are some very important amendments that our colleagues would have like to offer which now they cannot.

Those who do not understand Senate procedure might ask, how could that be possible? After all, hasn't this bill been the pending business of the Senate off and on for 6 days?

Let me explain. The Senate majority leader has, as is his right, used Senate procedures to block Senators from offering or voting on amendments. He has done what is called filling the amendment tree. Until the Senate voted last night to limit debate on this legislation, no vote was taken on any amendment to this bill. Now that cloture has been invoked, many otherwise pertinent and important amendments are no longer in order to this bill.

Unfortunately, that has been the pattern of conduct with respect to this legislation and others in this Congress. This bill was rushed through the House of Representatives on September 14. There were no Senate hearings on the matter, no committee input into the content of this bill. That is not the way this Senate ordinarily does business, and it is certainly not the best way to address legislation that is supposed to be improving our Nation's security .

The Senate already had a very serious and responsible debate on the subject of border security in the context of its deliberations of comprehensive immigration reform. We spent 9 days debating many amendments on that bill, including amendments related to the construction of fences along the U.S.-Mexico border. The bill ultimately adopted by the Senate provides for 370 miles of fencing in the most vulnerable high-traffic areas along the U.S.-Mexican border. That is what the administration requested and recommended. It also contained a very important requirement that Federal authorities first consult with those who will be most affected by construction of such a fence—relevant local, State, and Federal agencies on both sides of the border. I supported that legislation.

Why is it that the Senate is now being asked to consider a far less comprehensive approach to securing our country? Does anyone really believe that by simply building a fence, adding physical barriers, lights, cameras, and sensors along 730 miles of our southern border, we are somehow going to make our Nation secure? Do we really believe we can be secure without the cooperation of other governments, most especially our immediate neighbors, Canada and Mexico? And do we really believe that by unilaterally putting up barriers on our southern border and contemplating doing the same on the northern border, we are strengthening the will of Canada or Mexico to give us that cooperation?

Is the next step going to be building fences along the remaining 1,300 miles of our southern border and the more than 3,000 miles of our northern border? At what cost? The Congressional Budget Office puts the cost of the current fence proposal at $3.2 million per mile of fence. Other estimates are even higher—$10 million per mile for some stretches of the fence. When you add in annual maintenance, the cost of the fence could exceed $1 billion. So are we prepared to spend another $5 billion to $6 billion or so to construct an additional 4,300 miles of fencing to complete the job?

In the meantime our immigration system is broken. More than 10 million undocumented aliens live among us but at the same time outside the legal structures of our Government creating additional economic and national security challenges which the comprehensive immigration bill passed by the Senate responsibly sought to address. The pending bill does not.

The House and Senate passed very different legislation related to comprehensive immigration reform and enhanced border security. The President endorsed the Senate-passed measure. What would usually be the next step in the legislative process would be for the House and Senate conferees to meet to reconcile the differences between the two bills. But that is not what has happened in this case.

Rather, the Republican leadership, in an effort to score political points, has rushed through this very minor bill authorizing the construction of fences on the southern border and mandating a study of the advisability of doing so on our northern border. They have blocked any serious debate or amendments to the pending matter, and once final passage occurs they will declare that our Nation is now secure.

That is why I felt strongly last night that we ought to have a real debate on the challenges to our Nation's security and consider relevant amendments that could address those challenges rather than rushing to judgment on the very simplistic and costly approach called for in this bill.

Mr. President, we do our citizens a real disservice when we let election year politics get in the way of the peoples business.

Unfortunatey, it will have to be left to a later date to do what would really enhance our Nation's security; namely, enact legislation to fix our broken immigration system.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG. Mr. President, what is the following order within the unanimous consent that deals with this legislation?

The PRESIDING OFFICER. There are five Senators to whom time is allotted. Prior to the vote, the time is limited to Senator SALAZAR, 5 minutes; Senator BINGAMAN, 5 minutes; Senator CRAIG, 5 minutes; Senator REID, 3 minutes; Senator FRIST 3 minutes.

Who seeks time?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent I be allowed the first 5 minutes and Senator SALAZAR from Colorado take the second 5 minutes.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

The Senator from New Mexico is recognized for 5 minutes, to be followed by the Senator from Colorado.

Mr. BINGAMAN. Mr. President, I rise today to speak about H.R. 6061, the Secure Fence Act, and to express my disappointment that the majority leader has decided to prevent Senators from offering relevant amendments. I have an amendment, which is germane postcloture, which simply provides the

Department of Homeland Security with discretion regarding the use and placement of fencing along our border.

As a Senator who represents a border State, I understand the frustration communities are facing due to the inability of the Federal Government to secure our Nation's borders. Illegal immigration is a serious problem and we do need to do a better job of addressing this issue.

The Senate has passed a comprehensive immigration bill aimed at improving security along our borders and at reforming our immigration laws. Although this bill isn't perfect, it is a step in the right direction. I was very disappointed that the leadership in the House refused to appoint conferees, and instead decided to hold hearings around the country to stir up discontent rather than to seek solutions.

The Senate has passed a bipartisan bill. The House has passed a bill. We should have convened a conference committee and tried to work out the differences between these bills. The failure to at least make a good-faith effort at coming to an agreement is unacceptable.

With regard to the specifics of the Secure Fence Act, I do believe that there are locations along our border where fencing makes sense. For example, I support the $1.2 billion that is in the 2007 Homeland Security Appropriations bill for fencing, infrastructure, and technology, and I voted to provide $1.8 billion for the Army National Guard to build fencing and vehicle barriers along the southwest border as part of the Defense Appropriations bill. In addition, over the last several years I have secured millions of dollars of funding for fencing and vehicle barriers specifically for New Mexico.

However, we need to be smart about security. Walls may make good sound bites in political ads, but the reality is that the individuals charged with securing our borders have consistently stated that they are only part of the solution and that there are better and more cost-effective ways to provide for border security.

As Ralph Basham, the Commissioner of Customs and Border Protection, stated earlier this year in a response to a question about the proposal to build 700 miles of double-layered fencing: ''It doesn't make sense, it's not practical.'' He went on to say that what we need is an appropriate mix of technology, infrastructure, and personnel.

Secretary Chertoff has voiced similar concerns, and has consistently maintained that securing our borders will require a much more comprehensive approach than simply building fences.

Unfortunately, the bill, as currently drafted, does not provide the Department of Homeland Security with the discretion they need to determine the most appropriate means to secure the border. It ties their hands with regard to the use and placement of fencing.

Under current law, the Department of Homeland Security already has the legal authority to build the fences that it needs, and I do not think we should be mandating over 700 miles of fencing in specific locations at a cost of millions of dollars per mile unless we know that this is something that DHS believes it is the best way to enhance security.

This bill micromanages and mandates specifically where DHS must build fencing. For example, with regard to New Mexico, the bill states that a fence must be built ''extending from 5 miles west of the Columbus, NM, port of entry to 10 miles east of El Paso, TX.'' There hasn't been any local input regarding this specific location and I haven't received any indication from DHS that they believe that this is the best place to build a fence.

To the contrary, in discussions during one of the southwest New Mexico Border Security Task Force meetings, the point was raised by local security officials that the location of the proposed double-layered fencing in the bill is in the wrong place.

The bill also mandates fencing in some areas where we just spent millions of dollars per mile to build vehicle barriers. According to DHS, it costs approximately $4.4 million for a single layer of fencing per mile. The bill we are debating today mandates double-layer fencing, which adds up to about $6.6 billion for the 730 miles of fencing required under the bill. If we are going to spend billions of dollars to place a fence along over one-third of our southern border, we should at least ensure that it is in the right location and that DHS can make necessary adjustments in the interest of securing our borders.

To this end, I hoped to offer an amendment that would ensure that the Secretary of Homeland Security has the ability to modify the placement and use of the fencing mandated under this bill, if the Secretary determines that such use or placement of the fencing is not the best way to achieve and maintain operational control over the border. I strongly believe that this is a reasonable amendment that ensures that DHS has the flexibility it needs to alter this proposal if it doesn't advance our overall security strategy.

Let me be clear, I believe we should do what it takes to secure our borders. I have consistently worked to secure increased funding for vehicle barriers, surveillance equipment, and additional Border Patrol agents. But I also believe we should do it in the most effective way, both from a security standpoint and in terms of costs.

I also intended to offer an amendment that would have provided border law enforcement agencies with much needed relief in addressing border-related criminal activities. Specifically, the amendment would have authorized $50 million a year in funding to help departments purchase new equipment and hire additional officers. This legislation has wide bipartisan support and has passed the Senate on two occasions. However, most recently, the majority party removed this bill from the 2007 Homeland Security appropriations bill. If the majority party wants to address security issues, I stand ready to do so. Unfortunately, it appears that they are more concerned with political grandstanding than crafting substantive border security policies.

I strongly believe that Senators should have an opportunity to offer amendments and improve the bill. Regrettably, the majority leader has used technical procedural rules to prevent Senators from doing so. I cannot vote for this legislation without being afforded the opportunity to offer my amendments and fix this flawed bill.

I ask unanimous consent that I be allowed to offer this amendment prior to final passage on this bill.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Mr. President, on this side there is an objection.

The PRESIDING OFFICER. Objection is heard.

Mr. BINGAMAN. Mr. President, let me conclude by saying that I think it is unfortunate that we cannot make a commonsense change in this bill to make this a workable piece of legislation. It could pass this Senate with 100 votes if, in fact, this amendment were adopted—at least as far as I am concerned it likely would. The fear that the purpose of this bill is to get a bill to the President that has the word ''fence'' in the title so that the people can go out and campaign on it in the next 4 or 6 weeks, that is not good government. That is not a good result, policywise, for this country. I, unfortunately, will be compelled to vote against the bill.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Colorado is recognized for 5 minutes.

Mr. SALAZAR. Mr. President, I think the objection just heard against the logical amendment proposed by my friend from New Mexico demonstrates the political gimmickry going on in the Chamber this evening.

His amendment simply would have said that there would be discretion for the Department of Homeland Security Secretary to make a determination as to where it would make the most sense for these fences to go. The objection to that amendment demonstrates what is happening here, and that is that the people who are supporting this legislation believe Washington knows better than our experts in the executive branch of Government and the people who live along the borders; it demonstrates, again, the political rawness that is behind this fence amendment being proposed tonight, which I expect will pass because people want to score political points by using this in the immigration debate in our country.

Again, the fence by itself is not a solution. The fact of the matter is that more than half of the people who are here illegally in the U.S. came here legally. Their visas expired and they are

in the United States. So putting a fence on the border as proposed in this legislation all by itself will not resolve the comprehensive immigration issues we are facing in our country today.

It wasn't so long ago that this Chamber went into a vigorous debate. People disagreed. I disagreed with my friend from Alabama, but we agreed finally on some issues around the fence. There was debate that took place over a comprehensive solution, a fundamental national security problem. There were 23 Republicans who came together with about 40 Democrats and said that we will put our Nation's security first and we will address our national security; we will address the economic security issues of our country, including the agricultural jobs, which my friend Senator CRAIG has been so eloquent about today. We were able to get that done.

Yet, today, in the waning hours of this session, we are moving forward with a political gimmick because people want to ride this horse of immigration on this fence-only proposal on the way to victory in November.

Mr. President, I don't believe this legislation is good for the long-term interests of the United States and the Western Hemisphere. I believe that we as a Senate can do much better.

I urge my colleagues to oppose the fence bill.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Mr. President, we can build the tallest fence in the world, and it won't fix our broken immigration system. Nor will it strengthen security on the borders. to do that, we need the comprehensive reform that the Senate passed earlier this year. We have been waiting for months for the majority to appoint conferees so we could complete this important legislation, but they have refused to do so.

I support tough border security. I voted for an amendment, in the context of our comprehensive immigration reform bill, that would have authorized Homeland Security Secretary Chertoff's Department to build 370 miles of fencing—based on what he told us in the Senate he needed. Building some fencing as part of the comprehensive reform bill makes sense. As I have said before, we cannot take a piecemeal approach to fixing our borders.

We need to do more. We passed a comprehensive bill. It had strong border security, it had temporary worker program, which is so important with agriculture and the resort industry. We also said that we had to do something to take care of the 12 million people who are living in the shadows. What would they do to get out of the shadows? They would have to pay taxes, get a job, learn English, and stay out of trouble. And we had employer sanctions. Only a combination of all of these elements will work to get our broken immigration system under control.

Nearly half of the undocumented immigrants in this country came here legally and overstayed their visas. A fence or a wall, no matter how high and mighty, will not solve this problem.

I agree with Attorney General Gonzales, Homeland Security Secretary Chertoff, and former Secretary Ridge that a fence is not the most appropriate or effective way to secure our 2,000-mile southern border. As Secretary Chertoff said:

> Fencing has its place in some areas, but as a total solution, I don't think it's a good total solution.

The Department of Homeland Security already has the authority to build fences along our border. This amendment is unnecessary. I believe it is not about securing our border but about election-year politics.

A majority of the Republicans have made very clear that they are not serious about doing anything to get control of the broken immigration system. Where is President Bush? He said he wants comprehensive immigration reform, and he has been silent. The President and the Republicans in Congress have made it clear that they have no interest in going into a conference to enact legislation this year.

I believe we can only secure our borders through comprehensive reform, as I have outlined. No amount of Republican grandstanding on this issue will change that. The Senate has offered a practical, workable, fair solution to fix our immigration system, and I regret we have not been able to move forward.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I ask unanimous consent that we immediately consider Senate amendment No. 5022, known as AgJOBS, offered by myself, Senator FEINSTEIN of California, and 53 cosponsors. The amendment is at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

Mr. CRAIG. Mr. President, we recognize the need for a fence. We recognize the need for border security. But as we speak, American agriculture is losing somewhere between $1 billion and $5 billion at the farm gate because our southern border is closing. We have troops at the border. We are investing now nearly $2 billion a year at the border. This Congress, this Government, wants to prove, as we must, to the American people that we mean it when we say we are going to secure our southern border. But I have said for 2 years that, in doing that, we had to tie the cart and the horse together; that is, we needed to provide for the American economy a legal guestworker program. We have not done that. We are not doing that.

In my State of Idaho now, there is an 18 to 20 percent reduction in the employment base in agriculture as we speak. In the State of Kentucky, the tobacco growers cooperative is now losing their tobacco crop because they have nobody to pick. In Illinois, in the orchards at this time, apples are rotting on the trees. In Florida, it is estimated that we have already lost nearly a billion dollars worth of oranges. Is this the fault of American agriculture or is this the fault of a Congress that would not take an obsolete and functional law and fix it, so that we could have a legal workforce, one that comes and works and goes fast. That is what a guestworker program is all about. In Oregon, an apple orchard picking 25 tons a day is now picking 6 tons a day, and the apples are rotting.

The Senators from California, Senators FEINSTEIN and BOXER, talked about the produce in the great San Juaquin Valley that rots as we speak. Some will say those farmers should have known better. Maybe they should have. That is why they came to me several years ago and said: We have a problem; help us fix it; help us get a legal workforce.

We did not do that. We tried mightily—some of us—but we are now refusing to do that at a time of crisis. So if it is not us to blame, who is it?

So let the consumer go to the fresh produce shelf this fall and winter and pay double the price for some of the products. Also, see some of our production move offshore to Argentina and Brazil, because it will go where the workforce is if the workforce cannot come to it.

None of us want an illegal system. We must have a legal system. We will return in November, and we will be able to add up the losses, and that will be a tragedy.

I hope that in November, with those losses calculated—and I hope I am wrong; I hope it is not $5 billion or $6 billion or $7 billion. But if it is, Senators, roll up your sleeves; we have a problem to solve, and it is a very big problem. We cannot afford to lose the fruit and vegetable industry of this country. For the sake of America, for the sake of American agriculture, it is a labor-intense industry of the kind that requires a viable legal guestworker program.

Tonight, in a moment of crisis—and we now know it—the Senate of the United States has refused to deal with the problem.

I yield the floor.

The PRESIDING OFFICER. The Senate is currently under a unanimous consent order for the remaining speaker to be the majority leader, Senator FRIST, who is allocated 3 minutes.

The majority leader is recognized for 3 minutes.

Mr. FRIST. Mr. President, last week, immigration agents arrested 120 illegal workers at a worksite in Colorado within 1 mile of global surveillance and a missile early-warning facility. Most likely, they came to America to find jobs. But if any had sinister intentions, only a fence separated them from a critical military facility.

Most immigrants come to America with good intentions, but not all of them. Intelligence reports show that

al-Qaida considers our borders a vulnerability. Imagine how terrorists might exploit a 1,951-mile border with Mexico.

We are a Nation of immigrants, but we are also a Nation of laws and principles. Any attempt to halt the influx of illegal immigrants must respect that fact. The comprehensive immigration reform legislation the Senate passed in May struck a careful balance. We took a three-pronged approach: fortify our borders, strengthen worksite enforcement, and develop a fair and realistic way to address the 12 million people already in our country illegally, without offering amnesty.

Clearly, we won't reach an agreement on comprehensive immigration reform before we leave for the recess, but fortifying our borders is an integral component of national security. We cannot afford to wait until November to do that. We know what works. We built a 14-mile fence near San Diego and saw illegal immigration in the area drop dramatically. We deployed 6,000 National Guard troops to our southwest border and saw a 45 percent drop in border apprehension.

The comprehensive solution to immigration reform is ideal, yes, but I have always said we need an enforcement-first approach to reform—not enforcement-only but enforcement-first.

The Secure Fence Act of 2006 let's us get a head start on the first prong of comprehensive reform. It requires the Department of Homeland Security to achieve complete operational control over our border with Mexico. With this bill, we will have better control over who enters the country, how they enter it, and what they bring with them.

Without the critical security measures included in the bill, we leave ourselves open to attack. We place our national security at risk.

Mr. President, I yield back my time.

The PRESIDING OFFICER. The majority leader yields back the remainder of his time.

The PRESIDING OFFICER. All time has expired.

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

The yeas and nays have not been ordered.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

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

The result was announced—yeas 80, nays 19, as follows:

[Rollcall Vote No. 262 Leg.]

YEAS—80

Alexander	DeWine	McConnell
Allard	Dodd	Mikulski
Allen	Dole	Murkowski
Baucus	Domenici	Nelson (FL)
Bayh	Dorgan	Nelson (NE)
Bennett	Ensign	Obama
Biden	Enzi	Pryor
Bond	Feinstein	Roberts
Boxer	Frist	Rockefeller
Brownback	Graham	Santorum
Bunning	Grassley	Schumer
Burns	Gregg	Sessions
Burr	Hagel	Shelby
Byrd	Harkin	Smith
Carper	Hatch	Snowe
Chambliss	Hutchison	Specter
Clinton	Inhofe	Stabenow
Coburn	Isakson	Stevens
Cochran	Johnson	Sununu
Coleman	Kohl	Talent
Collins	Kyl	Thomas
Conrad	Landrieu	Thune
Cornyn	Lincoln	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
Dayton	Martinez	Wyden
DeMint	McCain	

NAYS—19

Akaka	Jeffords	Murray
Bingaman	Kerry	Reed
Cantwell	Lautenberg	Reid
Chafee	Leahy	Salazar
Durbin	Levin	Sarbanes
Feingold	Lieberman	
Inouye	Menendez	

NOT VOTING—1

Kennedy

The bill (H.R. 6061) was passed.

Mr. FRIST. Mr. President, 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.

CHILD INTERSTATE ABORTION NOTIFICATION ACT

Mr. FRIST. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Michigan is recognized.

UNANIMOUS CONSENT REQUEST—H.R. 5122

Mr. LEVIN. Mr. President, under the unanimous consent agreement, I have been allocated 10 minutes, at the end of which I am going to make a unanimous consent request that we proceed immediately to the Defense Authorization bill, the John Warner Authorization bill conference report, which has come over from the House. I do not know of any opposition to this bill. We have worked on it for 5 months. It has provisions in it which are critically important to our troops.

The PRESIDING OFFICER. The Senator will suspend. The Senator from Michigan has the floor.

Mr. LEVIN. I think it is critically important before we leave—

Mr. FRIST. Mr. President, let's have regular order.

Mr. LEVIN. I ask unanimous consent at this point that the conference report to accompany H.R. 5122, the John Warner National Defense Authorization Act of Fiscal Year 2007, be deemed adopted by the Senate with a motion to reconsider laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. We are in discussion now and I believe we are making real progress on addressing this bill. I will object here shortly because we have to talk to a number of colleagues. But I think we are making real progress on the bill.

Mr. LEVIN. So we could adopt it tonight?

Mr. FRIST. Thus, I object.

CHILD CUSTODY PROTECTION ACT

Mr. SPECTER. Mr. President, I oppose cloture on the Child Custody Protection Act, S. 403, because there are not adequate safeguards for young women seeking abortions, particularly in cases of rape, incest, or health of the minor.

On September 22, 1998, I voted against cloture on a similar bill. On July 25, 2006, I voted against a similar bill.

Those bills, like the one now pending, made it a crime to take a minor across state lines for purposes of obtaining an abortion without parental consent or notification. I opposed that legislation because of my concern for minor girls who have an abusive or bad relationship with their parents, including circumstances of incest. Such a relationship makes it difficult, if not impossible, for the girl to admit to being pregnant or to express her desire to obtain an abortion. Additionally I am concerned with the delay this bill poses on young girls seeking abortions in the case of rape or health risks.

Proponents of this legislation have urged me to support it on the ground that the state judicial bypass laws provide a sufficient means for young girls who have such a bad relationship with their parents, to receive judicial authorization to secure an abortion without their parents' knowledge or consent.

It has been suggested to me that there may be compelling data that the judicial bypass procedures provide a sufficient means for such girls' interests to be protected. On the current state of the record, however, I believe that the judicial bypass procedures are not adequate, so I do not believe that a Federal crime should be legislated for those who take minor girls across state lines to secure an abortion.

To those who have urged me to support the legislation and have asked me to review such data, I have replied that I would be willing to study any such information. As noted, on this date of the record, I could not support legislating a Federal crime on this issue.

Mr. FEINGOLD. Mr. President, I cannot support the Child Interstate Abortion Notification Act, CIANA. First, I object to the decision to bring this bill directly to the floor, circumventing the

Senate's committee process, and to prevent Senators from offering amendments. This bill contains provisions that have never been debated in the Senate not in committee, and not on the floor. Part of the bill we are considering today consists of the Child Custody Protection Act, which did pass the Senate earlier this year although without being considered in committee. But this bill also contains a number of additional troubling provisions that should go through the committee process. At a minimum, Senators should have an opportunity to offer amendments to legislation that could have such a serious impact on young women's lives.

I voted against the Child Custody Protection Act when it came before the Senate in July because the bill is an overreach of federal power that comes at the expense of the health and safety of young women. The notion that one state may not impose its laws outside its territorial boundaries is a core federalist principle, and I believe this bill might very well violate the Constitution. States should retain their right to enact and implement appropriate policies within their territorial boundaries. The Child Custody Protection Act would preempt these rights by allowing the laws of certain states to essentially trump the laws in other states.

The Child Interstate Abortion Notification Act, in addition to containing the language of the Child Custody Protection Act, includes a number of other, even more problematic, provisions. It would implement onerous new Federal notification and consent requirements in states whose existing state laws do not meet the bill's standards, raising serious federalism concerns, and would subject providers to criminal penalties for failing to comply. In addition, these requirements would vary for teens and providers according to the state in which the minor lives and the state to which she travels, making them extremely difficult to comply with. Not only that, but the new federal requirements do not include a judicial bypass procedure, and do not have an adequate health exception.

In an ideal world, all young women who face this difficult decision would be able to turn to their parents. But we do not live in an ideal world, and the reality is that there are young women who feel they cannot turn to a parent out of fear of physical abuse or mental abuse, getting kicked out of the house, or worse. This bill would deny these young women the ability to turn to another trusted adult for help.

Our focus in the Senate should be on ensuring that unintended pregnancies do not happen in the first place. For these reasons, I intend to continue my work in the Senate to ensure that all women have access to the best information and reproductive health services available. If we do that, abortions will become even more rare, as well as staying safe and legal.

Mr. ENSIGN. Mr. President, I rise today to discuss the Child Custody Protection Act, which will protect the rights of our Nation's parents and their children's well-being.

I was very pleased with the work of this body when the Child Custody Protection Act came before the Senate in July. Through the hard work of my colleagues, I believe we were able to come up with an even stronger bill designed to protect our young daughters.

The only successful amendment offered to the Child Custody Protection Act contained two important clarifying provisions dealing with parents who commit incest.

Senator BOXER and I worked together to ensure that parents who have committed the heinous act of incest are unable to sue, and therefore profit from, someone else who has transported their minor across State lines for an abortion.

The Ensign-Boxer amendment also added a new provision making it Federal crime for someone who has committed incest to transport their victim across State lines for an abortion.

Recognizing the importance of preserving parent's rights, the Senate passed the Child Custody Protection Act by a vote of 65 to 34.

The support of 14 Democrats reflects the reality that this not an issue divided on pro-life or pro-choice lines.

There is broad and consistent support to preserve the rights of parents.

An overwhelming number of States have recognized that a young girl's parents are the best source of guidance and knowledge when making decisions regarding serious surgical or medical procedures, like abortion.

Forty-five States have adopted some form of parental notification or consent law, proving their widespread support for protecting the rights of parents.

The people that care the most for the child should be involved in these kinds of health care decisions and, if there is aftercare needed, be fully informed in order to care for their young daughter.

Additionally, a huge majority support parental consent laws. In fact, most polls show that consent is favored by almost 80 percent of Americans.

These numbers do not lie; the American people agree that parents deserve the right to be involved in their minor children's decisions.

The bill before us today makes it a Federal offense to knowingly transport a minor across a State line, for the purposes of an abortion, in order to circumvent a State's parental consent or notification law.

It specifies that neither the minor transported nor her parent may be prosecuted for a violation of this act.

The purpose of the Child Custody Protection Act is to prevent people, including abusive boyfriends and predatory older males who may have committed rape, from pressuring young girls into having secret abortions without their parents consent.

The bill also requires an abortionist to give 24 hours' notice to a parent of the minor from another State before performing the abortion. Several exceptions are made, including exceptions related to parental abuse and the life and bodily health of the mother.

Should the abortionist fail to do so, they could face a fine or jail time.

We are reminded how important parental notification is when we hear the story of Marcia Carroll and her daughter, from Pennsylvania.

Ms. Carroll's daughter was, without her mother's knowledge, pressured by her boyfriend's stepfather to take a train and cross State lines and have an abortion she didn't want to have and which she now regrets and seeks continual counseling for.

The abortion provider who performed an abortion on Mrs. Carroll's daughter had a long history of abusing his patients.

Mrs. Carroll should have been given an opportunity to learn about the history of her child's doctor, who had been professionally disciplined multiple times for having sex with a patient in his office, for performing improper rectal and breast exams on two others, and for indiscriminately prescribing controlled dangerous substances.

The parents of America should be given the chance to make sure their children's doctors are not potential sexual abusers and controlled substance pushers, and this legislation would give them that chance.

As Mrs. Carroll testified, ''I felt safe when [the police] told me my daughter had to be . . . of age in the State of Pennsylvania to have an abortion without parental consent . . . It never occurred to me that I would need to check the laws of other States around me.

I thought as a resident of the State of Pennsylvania that she was protected by Pennsylvania State laws. Boy, was I ever wrong.''

Dr. Bruce A. Lucero, an abortion provider, has supported this legislation because ''patients who receive abortions at out-of-state clinics frequently do not return for follow-up care, which can lead to dangerous complications.''

Sure enough, the abortion provider who performed an abortion on Mrs. Carroll's daughter failed to schedule a followup visit with her to help ensure there were no postabortion complications.

Speaking as the father of three young children, including a daughter, I understand how difficult the challenges of raising children can be.

In most schools across the country, our children cannot go on a field trip, take part in school activities, or participate in sex education without a signed permission slip. An underage child cannot even receive mild medication, such as aspirin, unless the school nurse has a signed release form. Some states even require parental permission to use indoor tanning beds.

Nothing, however, prevents this same child from being taken across State

lines, in direct disobedience of State laws, for the purpose of undergoing a life-altering abortion.

In many cases, only a girl's parents know her prior medical and psychological history, including allergies to medications and anesthesia.

The harsh reality is our current law allows for parents to be left uninformed about their underage daughter's abortion, which can be devastating to the physical and mental health of the child.

Parental notification serves another vital purpose—ensuring increased protection against sexual exploitation of minors by adult men.

All too often, our young girls are the victims of the predatory practices of men who are older, more experienced, and in a unique position to influence the minor's decisions.

According to the American Academy of Pediatrics, ''almost two-thirds of adolescent mothers have partners older than 20 years of age.''

Rather than face a statutory rape charge, these men or their families use the vulnerability of the young girl against her, exerting pressure on the girl to agree to an abortion without talking to her parents.

In fact, in a survey of 1500 unmarried minors having abortions without their parents' knowledge, 89 percent said that a boyfriend was involved in the decision.

The number goes even higher the younger the age of the minor.

Allowing secret abortions do nothing to expose these men and there heinous conduct.

In the unfortunate instance of abuse or where there is rape or incest involved within a family, minors may be afraid to go to one of the parents. In response, judicial bypass laws have been written across the country to protect the minor.

This legislation is a commonsense solution to defeat the legal loophole that currently results in parents being denied the right to know about the health decisions of their minor daughters—a fact which the Supreme Court upheld in Planned Parenthood v. Casey, which states, that it is the State's right to declare that an abortion should not be performed on a minor unless a parent is consulted.

This is not an argument on the merits of abortion; rather, this is a debate about preserving the fundamental right of parents to have knowledge about the health decisions of their minor daughters.

Parental permission is so important because parents are the most intimately involved people in their children's lives.

We cannot allow another young girl's life to be irreparably damaged because of a legal loophole that keeps parents from being involved in one of the most major decisions their daughter may make in her life.

It is time for Congress to step up and commit to protecting our daughters by assuring that a parent's right to be involved is protected.

Mr. MCCAIN. Mr. President, I am a proud cosponsor of S. 403, the Child Custody Protection Act. This bill has strong bipartisan support as illustrated by its vote of 65 to 34 that occurred in July. Unfortunately, due to political maneuvers by its opponents, the enactment of this critical legislation is being blocked.

This is one of the most important pieces of legislation to be considered during the 109th Congress. Why is this legislation so important? Because despite the fact that 23 States require a minor to receive parental consent prior to obtaining an abortion, these important laws are being violated. Today, minors, with the assistance of adults who are not their parents, are being transported across State lines to receive abortions without obtaining parental consent. We must end this circumvention of State laws and, more importantly, the consequences such actions have on life.

S. 403 would make it a Federal offense to help a minor cross lines for the purpose of obtaining an abortion, unless it is needed to save the life of the minor. Its enactment is critical, and we cannot allow its opponents to continue to stall needlessly its progress.

Earlier this month, I joined with 40 of my colleagues in urging the majority leader to take action to enable this legislation to continue through the legislative process. The leader has now taken such action. On Wednesday, a cloture motion was filed to break the opponents logjam, and I applaud and support this action. We must do all that we can to move this critical legislation to the President's desk.

CLOTURE MOTION

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

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to S. 403: a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

Bill Frist, John Ensign, Tom Coburn, Craig Thomas, Jim DeMint, Wayne Allard, Mitch McConnell, Trent Lott, Jim Bunning, Conrad Burns, Ted Stevens, Johnny Isakson, John Cornyn, Jeff Sessions, Larry Craig, Mike Crapo, John Thune.

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 the motion to concur in the amendment of the House to S. 403, the Child Custody Protection Act, shall be brought to a close.

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

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''no.''

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

The yeas and nays resulted—yeas 57, nays 42, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—57

Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Frist	Pryor
Brownback	Graham	Reid
Bunning	Grassley	Roberts
Burns	Gregg	Santorum
Burr	Hagel	Sessions
Byrd	Hatch	Shelby
Chambliss	Hutchison	Smith
Coburn	Inhofe	Stevens
Cochran	Isakson	Sununu
Coleman	Johnson	Talent
Cornyn	Kyl	Thomas
Craig	Landrieu	Thune
Crapo	Lott	Vitter
DeMint	Lugar	Voinovich
DeWine	Martinez	Warner

NAYS—42

Akaka	Dorgan	Menendez
Baucus	Durbin	Mikulski
Bayh	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Harkin	Obama
Boxer	Inouye	Reed
Cantwell	Jeffords	Rockefeller
Carper	Kerry	Salazar
Chafee	Kohl	Sarbanes
Clinton	Lautenberg	Schumer
Collins	Leahy	Snowe
Conrad	Levin	Specter
Dayton	Lieberman	Stabenow
Dodd	Lincoln	Wyden

NOT VOTING—1

Kennedy

The PRESIDING OFFICER. On this question, the yeas are 57; the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mrs. BOXER. 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.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 5441, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5441) ''making appropriations for the Department of Homeland Security for the fiscal year ending September 30th, 2007, and for other purposes'', having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the

Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 28, 2006.)

SECTION 550

Mr. VOINOVICH. Mr. President, I rise to engage in a colloquy with my good friends, Senator PRYOR, Senator DOMENICI, and Senator WARNER. To my colleagues, it is my understanding that a question as to the intent of the chemical facility security provision has arisen. Senator PRYOR, in your view, what is the meaning of section 550 with respect to its effect on State laws or rules?

Mr. PRYOR. I thank the Senator from Ohio for raising this important question. Section 550 does not contain any language regarding its preemptive effect. I know there have been some in the other House who believe that this silence means the legislation would have no effect on State or local attempts to regulate chemical security—in other words, that it gives them a green light to go farther. I want to state clearly my belief to the contrary. As we all know, under well-established Supreme Court precedent, a Federal law that is silent in this way can still occupy the field and impliedly preempt any State legislation on the same topic. Historically, Congress has done so in the security area, whether it be nuclear security or aviation security.

Mr. VOINOVICH. I thank Senator PRYOR for his statement because I agree with it. I know my good friend from Virginia, Senator WARNER, also has views on this. Senator WARNER, in your view, what is the meaning of section 550 with respect to its effect on State laws or rules.

Mr. WARNER. I also thank the Senator from Ohio for raising this important question. I concur with the assessment of my good friend from Arkansas regarding the preemptive effect of this chemical facility provision. As the Senator noted, there is strong Supreme Court precedent regarding the implied preemption of State laws, especially as it relates to homeland security, homeland defense, and national security. There are several examples of statutes that remain silent with regard to the effect on State laws and it has been my belief throughout the entire debate on chemical security legislation that this precedent should hold true if we did not explicitly speak to the issue to State preemption.

Mr. VOINOVICH. I thank Senator WARNER for his statement. I strongly agree with the assessment that Congress and the Federal Government have the duty to provide for the security of our States and our people. Further, the importance of a single, integrated set of comprehensive national standards is vital to the security of this sector. I see my good friend from New Mexico here as well. I ask the Senator from New Mexico if he has further views on the meaning of section 550 with respect to its effect on State laws or rules.

Mr. DOMENICI. I thank the Senator from Ohio for this important discussion. I also concur with the assessment of my colleagues, Senator PRYOR and Senator WARNER. This issue was discussed at length before the Committee on Homeland Security and Governmental Affairs. The effect of silence on the chemical security language in question is clear. Federal law that is silent in this way can still occupy the field and impliedly preempt any State legislation on the same topic. Further, the precedence for Federal preemption in regulatory matters dealing with security is clear. In the interest of national security, the Nuclear Regulatory Commission was created to oversee the nuclear facilities. Given the importance of this critical infrastructure and the clear national security concerns, the Federal Government has exclusive regulatory authority. I concur with my colleagues who have noted that in matters of national security the Federal Government should perform its constitutional duty to defend the homeland.

Mr. VOINOVICH. I thank my good friend from New Mexico for his comments, and I strongly agree with his assessment. It is the Federal Government's preeminent role when it comes to matters of national security to set a uniform set of rules with which the regulated community must comply. I feel strongly that this provision sets that uniform set of rules and in so doing, impliedly preempts further regulation by State rules or laws.

WARNING, ALERT, AND RESPONSE NETWORK ACT

Ms. COLLINS. Mr. President, I rise to ask my colleague from Alaska about the Warning, Alert, and Response Network Act, or WARN Act, that is part of the SAFE Port Act that is before the Senate. The WARN Act will authorize a wireless alert capability to provide citizens with emergency alerts on their wireless devices. This is an important enhancement to the emergency alert system that FEMA currently operates. I would note that the language in the WARN Act does not alter FEMA's role in the emergency alert system. It is my understanding that this language directing the FCC to develop the wireless capabilities will not interfere with the Homeland Security and Governmental Affairs Committee considering and reporting legislation next year to further clarify FEMA's role with respect to the emergency alert system and new technologies. Is that correct?

Mr. STEVENS. The Senator's understanding is correct. The Parliamentarian's office has indicated to my staff that the wireless alert capability language in the act does not preclude the Homeland Security and Governmental Affairs Committee from considering legislation next year to address FEMA's role with respect to the emergency alert system, and I commit to working with you to develop a bill that will set forth FEMA's role with respect to new emergency alert capabilities.

Ms. COLLINS. Thank you, Senator. I look forward to your support in addressing FEMA's role in the emergency alert system in legislation next year.

WESTERN HEMISPHERE TRAVEL INITIATIVE

Mr. LEAHY. Mr. President, I rise today for the purpose of engaging in a colloquy with my colleagues from the Senate Homeland Security Appropriations Subcommittee, Senator STEVENS, Subcommittee Chairman GREGG and Subcommittee Ranking Member BYRD. We would like to discuss the intent of section 546 of the fiscal year 2007 Department of Homeland Security Appropriations conference report regarding the Western Hemisphere Travel Initiative, WHTI.

In 2004, Congress passed and the President signed into law the Intelligence Reform and Terrorism Prevention Act, which included a provision creating WHTI as a means of better securing our borders. The provisions require that all individuals, including U.S. citizens, present a passport or its equivalent in order to verify identity and citizenship when they enter the United States from neighboring countries, including Canada or Mexico. As currently set out by the administration, the law would take effect on January 1, 2007, for airports and seaports and on January 1, 2008, for land crossings.

As those deadlines loom ever closer, my colleagues and I have grown more and more concerned that the plan has been poorly planned and there is a considerable lack of adequate coordination not only among the Departments of Homeland Security and State, which are charged with implementing the initiative but also with the governments of Canada and Mexico. I fear that we face a train wreck on the horizon if the plan steams along as is.

The senior senator from Alaska most definitely recognizes how improper implementation of WHTI could impede the flow of people and goods across our borders. The residents of his home State especially would face unique challenges under WHTI because all Alaskans have to cross into Canada before entering the continental United States by land.

Mr. STEVENS. The Senator from Vermont is correct. The Department of Homeland Security and the State Department are now in the process of developing the rules needed to implement this initiative. The State Department is proposing an alternate form of documentation to be accepted for land border crossings known as a passcard. The passcard would be slightly less expensive than a passport but would still require the same adjudication and background check as a passport and could only be used for land travel between our country, Canada and Mexico.

Many of my constituents travel to Canada every day. I believe each Senator from Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire,

New York, North Dakota, Ohio, Pennsylvania, Vermont and Washington will agree it is imperative that the travel requirements between Canada and the United States be implemented in a manner that does not adversely affect Americans. To date, the construction and price of the passcards have not been established. Passcards are essential to ensure the flow of travel and business activities between the United States and other countries is not hindered.

I am also concerned with the looming date of implementation for WHTI. The administration's current plan is to implement the air and sea portion of the initiative by January 2007, this coming January. This means that in just 3 months all U.S. citizens traveling by air and sea from Canada and Mexico or the Caribbean will need a passport to enter this country.

The intent of language included in the Homeland bill is in no way meant to indefinitely delay the implementation of this initiative. Securing our borders is important, and I support these efforts. I want to make sure the State Department is prepared to adjudicate the large number of requests for passports and passcards this initiative will produce.

Our language also creates a single implementation date for land and sea crossings. Families often take a cruise to Alaska, and continue their vacations in Canada. In order to avoid confusion to these travelers, we must have one date in which they are expected to have new documentation, rather than the current plan to implement sea this January and land in January 2008. Further, they should be able to use the passcard for both land and sea crossings, rather than requiring a passport for the sea portion of a vacation.

I believe DHS and the State Department are operating under an unrealistic timeframe. We must ensure they have enough time to properly test and implement this system, which includes biometrics and new border security equipment. We must also clearly set out guidelines we expect to be met before this initiative can be implemented. This is what we hope to achieve with the language we included in the Homeland bill.

Mr. LEAHY. Like Alaskans, Vermonters have strong economic ties to Canada and depend on the efficient movement of products across international borders. Many Vermont families, including mine, frequently travel to Canada to visit family members living there or to spend a weekend in the beautiful cities of Montreal or Quebec City. Similarly, our Canadian friends enjoy many Vermont treasures, including our ski resorts and our own ''great lake,'' Lake Champlain. In 2003, more than 2 million Canadians visited Vermont, spending $188 million while here.

Additionally, Vermont has a number of small towns along the border that depend on access to neighboring Canadian towns. In some cases, these towns share emergency assistance, grocery stores, and other basic services. Residents sometimes cross the border on foot several times a day just to conduct routine business. Other northern border States enjoy similar trade and tourism benefits with Canada and could face significant downturns in their economies if this law is not implemented properly.

At a cost of about $100, passports are an expensive hardship for many, especially families would not otherwise travel abroad. The proposed PASS Card is a less costly alternative but also raises a number of new concerns, including issues of privacy and effectiveness. On top of that, DHS and State are still arguing over what technology to embed in the card. I find it highly unlikely that the State Department will be able to process the flood of requests for passports and PASS cards that will come from this initiative by the deadline when key decisions have still not been made.

Mr. STEVENS. These are just some of the issues which must be considered before implementing this plan. In addition, the lack of public outreach to inform citizens of the new requirements concerns me.

I see the potential for a disaster at our borders if regulations are hastily imposed. There is just too much at stake to implement a travel system that has not been properly tested, and this is why Senators LEAHY, GREGG, BYRD, I worked together with House Homeland Security Appropriations Subcommittee Chairman ROGERS to craft bipartisan language to extend the WHTI implementation date. Our language simply gives the State Department and DHS more time to make sure this is done right.

Mr. GREGG. I believe the proper implementation of WHTI is imperative. I wish to emphasize that the Departments of Homeland Security and State can move forward with the full implementation of WHTI before June I, 2009—but to do so they must comply with all legislated criteria. These legislated criteria are designed to ensure that the PASS Card protects the privacy of our citizens, that readers have been installed at all ports of entry, that all employees have been properly trained—in short, that the system works, before it is used by millions of citizens. And I emphasize that implementation, meaning putting the system into operation can occur at any time but no later than June 1, 2009, if the conditions, which are designed for proper operations, are met.

Mr. BYRD. I, for one, will definitely be interested to see how the Department of Homeland Security and the Department of State are progressing on WHTI implementation. And we will be able to do so because we mandate that the Departments provide quarterly briefings on the progress being made on WHTI implementation and that the first briefing should be no later than December 1, 2006.

Mr. LEAHY. My colleagues are both correct. While hasty implementation could result in avoidable problems for all those who will be affected by this Initiative, we also want to make sure that it is done on a reasonable timetable. Our amendment requires a modest implementation delay to June 1, 2009, and also requires that certain technological goals are met in the design of the PASS Card to ensure that the strictest standards are in place to protect personal information. Though it has been two years since the Intelligence Act requirement became law, the agencies have made little progress to implement WHTI. This provision (Sec. 546) provides additional guidance to the agencies to insure smooth implementation.

Our language also requires the Departments of Homeland Security and State to certify prior to implementation that a cost for the PASS Card has been agreed upon, that all border authorities are familiar with the technology, and that the technology has been shared with the Canadian and Mexican authorities. These are just a few of the steps we have taken in this amendment to ensure that the transition to an increased security environment is done without creating unnecessary obstacles.

And the Senate and House Appropriations Committees will most certainly share the Homeland Security Department and the State Department report to us on how they are progressing in meeting the program criteria and moving toward implementation.

I thank my colleagues for all their hard work on reaching an agreement on this language. With it, we greatly increase our chances for the successful implementation of the Western Hemisphere Travel Initiative.

Mr. LAUTENBERG. Mr. President, one of the most important parts of this Department of Homeland Security appropriations bill is a section that should not be in it at all. It is a perfect example of how the majority has decided to legislate: make back room deals and pass phony protections instead of real ones.

I am speaking about the section that purports to adopt chemical security protections for our country.

To illustrate what chemical security means, and why it is so important, let me tell you what happened on Tuesday in Elizabeth, NJ. A worker at a trucking company accidentally ruptured a small pressurized gas tank and released a cloud of sulfur dioxide into the air. Workers at nearby storage and shipping facilities became ill. Truck drivers in the area abandoned their vehicles as their lungs burned and they couldn't breathe. People on the side of the road were vomiting. Fifty-eight people—including a first responder—were taken to the hospital. That was a small accident. Imagine if a terrorist blew up a large chemical facility.

To understand the impact, all you have to do is drive 9 miles down the

road from Elizabeth to Kearny, NJ, home to the Nation's most dangerous chemical plant. Kearny is a blue-collar, working-class town. Forty-thousand residents—men, women and children—make Kearney home. An act of terror at the Kuehne chemical facility could put Kearny—and the twelve million Americans who live within fourteen miles of the plant at risk. No wonder that facilities storing large amounts of chemicals have been called ''pre-positioned weapons of mass destruction'' by homeland security experts.

One would think that the majority and the administration would do all it can to stop an attack in Kearny—or at any of America's nearly 15,000 chemical facilities. Republican leaders have put together a counterfeit bill that they are trying to pawn off as ''chemical security,'' but we are not buying it, and neither should the American people.

Recognizing that this was a problem even before 9/11, I introduced the Nation's first chemical plant security bill in 1999. And earlier this year, Senator OBAMA and I introduced a new comprehensive chemical security bill that seeks to protect the American people—not the chemical industry. The Republican leadership has brushed aside our strong bill, and other legislation that has come out of the Homeland Security committees in the Senate and the House.

Instead, the Republican leaders borrowed a page from the ''Dick Cheney Energy Task Force'' playbook: lock the windows, bolt the doors and meet with industry lobbyists. And what did the Republicans and chemical industry lobbyists come up with? A fraudulent bill. The chemical industry bill put forward by the Republicans fails to require the safest practices at the highest-risk facilities. It is a bill that fails to secure the nearly 15,000 facilities that store dangerous chemicals. A bill that fails to protect drinking and waste water facilities. And a bill that fails to make clear that states can adopt stronger chemical security laws than the federal government.

So will this chemical security bill authored by the chemical industry, the majority, and the administration make the Nation safer? No. The public should not be fooled. Because this fake chemical security bill has been attached to the Homeland Security appropriations bill, most Senators will vote for it. But make no mistake, it is not what we want or need.

We need a bill that requires all chemical plant owners to improve the security of their sites, and when possible, replace toxic chemicals with safer ones. We need a bill that makes perfectly clear that states can adopt stronger laws than the toothless version the majority are doing here. We don't need the majority, the White House, and the chemical industry deciding the fate of towns like Kearny or Elizabeth behind closed doors.

All of this is more reason we need a new direction in Washington.

Ms. CANTWELL. Mr. President, I come to the floor today to speak to the Department of Homeland Security Appropriations Act of 2007.

Since 9/11, we have made significant progress in bolstering the defense of our Nation against terrorism. Today, Americans are safer than they were just 5 years ago. However, as we learned from the recently released National Security Estimate, the threat of terrorism continues.

As a border State and a major thoroughfare for trade, Washington State faces incredible security challenges. Along our northern border, official checkpoints are separated by miles of vast, rural and rugged terrain

The Ports of Seattle and Tacoma make up the Nation's third largest container center. Puget Sound is home to America's largest ferry system, transporting more than 26 million passengers and 11 million vehicles annually throughout the area.

The Homeland Security Appropriations Act of 2007 provides vital resources to build on the progress we have made to make our Nation more secure and citizens safer.

It contains specific provisions that I am very proud to have worked on—provisions that I believe make a strong bill even stronger.

I will speak about those provisions in just a moment, but first, I want to take a moment to acknowledge the steadfast leadership and stalwart dedication of the bill's managers, Senator GREGG and Senator BYRD.

This bill recognizes that as a Nation, we still need to make serious investments in our National security.

That is why we're adding significant resources—more than $21 billion—to better secure our borders.

This includes $2.2 billion to add 1,500 agents to monitor and apprehend criminals—criminal or people crossing the border—and $1.4 billion for detention facilities, including nearly 7,000 additional detention beds to end our failed ''catch and release'' policy.

Using cutting edge technology is critical to securing our 4,000-mile-long northern border. With vast, rural and rugged terrain, physical barriers provide limited benefits along much of the northern border.

The right tools can provide critical intelligence about areas that have previously gone unsecured for so long.

This legislation includes a provision, which I offered with Senator BAUCUS, directing the Department of Homeland Security to work with the Federal Aviation Administration to test the use of unmanned aerial vehicles on the northern border.

UAVs with extended range can conduct prolonged surveillance sweeps over remote border areas, relaying information to border agents on the ground.

This will modernize our patrol capabilities and enable us to reach hundreds of miles of previously unguarded border.

It is time to get serious, smart and practical by using the best proven resources out there.

I have also sponsored a provision included in this legislation directing the Department of Homeland Security and State Department to work with Canadian officials and State and local first responders to identify border security challenges—including interoperable communications—in preparation for the 2010 Olympics.

Lastly, I was proud to join Senator FEINSTEIN to secure a provision criminalizing the construction of smuggling tunnels under our borders and putting into law stiff penalties for anyone building or using such tunnels.

In July 2005, we discovered a smuggling tunnel between Canada and Washington State. It had been used to traffic drugs, but it's all too clear that tunnels could just as easily be exploited by terrorists to enter undetected into our country.

The legislation before us also provides more than $4.3 billion to improve the security of our ports and the global supply chain.

This includes: More than $2 billion to the Coast Guard; $210 million in port security grants; $420 million for radiation and gamma ray inspection equipment for scanning cargo containers; and nearly $200 million to screen cargo containers at foreign ports and collaborate with private entities to enhance supply chain security.

Focusing on security where cargo is loaded abroad, at the point of origin, is vital to achieving security for our ports here at home.

I am proud to have cosponsored a provision with Senators COLEMAN and SCHUMER, included in this legislation, which directs the Department of Homeland Security to test a new integrated container inspection system at three foreign ports.

This technology has already shown promise at the Port of Hong Kong.

And I believe that testing this system is the next important step to move us toward 100 percent screening of containers.

From our borders to our ports, this legislation also represents a significant investment in the security of our transportation systems.

In light of the foiled terrorist operation in the U.K. on August 10, I remain especially concerned about aviation security.

As we all now know, a network of terrorist cells planned to down as many as 10 U.S. airliners by smuggling liquid explosives onto flights.

The foiled plot provides a stark reminder of the serious gaps which continue to impede our efforts to secure the commercial airline industry.

In 1994, we learned the dangers of our inability to screen passengers for liquid chemicals that could be combined to create an improvised explosive device, when Ramzi Yousef successfully bombed Philippines Airline flight 434. In 1995 they uncovered the infamous ''Bojinka'' plot in Manila.

Yet more than 10 years later, we still have not developed a technology that can be deployed in airports to screen passengers for these substances.

To fix this, we need to make a strong investment in research and development.

The Senate version of this legislation—which passed before the August U.K. terrorist threat—had only $5 million slated for research and development of explosive countermeasures, under the Science and Technology directorate at the Department of Homeland Security.

After the Senate returned from August recess, I wrote to Chairman GREGG requesting that he work in conference to increase funding for explosive detection research under the Science and Technology directorate.

The conference report before us today includes nearly $87 million in explosives research funding and I want to thank Senator GREGG for working in conference to accommodate this request.

The explosives detection problem is both urgent and technically challenging. Passenger screening technology must be efficient, reliable, and effective.

The latest threats make it clear that we need to accelerate our work to find innovative solutions to evolving challenges.

We must be smart and tough in our fight against global terrorism. Our first priority must be ensuring that Americans are safe.

We have come a long way since 9/11. We have worked hard and made progress and we are safer today.

But it is clear: We need to do more to stop terrorists and their schemes.

We can't let down our guard—at our borders, at our ports, on our passenger planes.

The legislation before us today builds on progress we have made and delivers strong and serious investments so we can do even more.

Americans deserve to know that we are doing everything we can to secure our country and keep them safe.

Again, I want to thank the managers of this bill for their efforts. I look forward to working with them as we continue fighting to secure our Nation.

Mrs. HUTCHISON. Mr. President, I wish to voice my strong support for efforts to secure our Nation's borders, which remain porous. We must immediately address this threat to our national security and make certain that we allow local officials greater involvement as they work with the Secretary of Homeland Security regarding the location of border fencing.

I have consistently supported and voted in favor of border security efforts—such as the installation of reinforced fencing in strategic areas where high trafficking of narcotics, unlawful border crossings, and other criminal activity exists. I have also supported installing physical barriers, roads, lighting, cameras, and sensors where necessary.

Throughout our debate on comprehensive immigration reform, I have stressed the need to secure our Nation's borders—not only our southwest border with Mexico, but also our northern border with Canada, our maritime borders, coastlines and ports of entry. We must secure our borders first, but we must also work toward a comprehensive solution that addresses the needs of commerce and our economy.

The Secure Fence Act of 2006 is needed, and serves as our downpayment with the American people on what we must do to address border security—so that we can then move forward to address comprehensive immigration reform.

To this date, we have hired, trained, deployed 11,300 Border Patrol agents, ended catch and release, accelerated the deportation process, and expanded the number of beds in detention centers to almost 23,000.

We have also provided an additional $1.9 billion in immediate funding for border security to cover the first 1,000 of 6,000 new Border Patrol agents who will be deployed in the next 2 years. These funds will assist with the temporary deployment of up to 6,000 National Guard troops aiding the Border Patrol with surveillance and logistics.

I will continue to champion border security measures and strongly support the efforts of my colleagues to strengthen our southwest border—protecting our citizens from threats of terrorism, narcotic trafficking, and other unlawful entries. However, I am concerned about Congress making decisions about the location of the border fencing without the participation of State and local law enforcement officials working with the Secretary of Homeland Security. These locations should not be dictated by Congress.

Our border States have borne a heavy financial burden from illegal immigration and their local officials are on the front lines. Their knowledge and experience should not be ignored. Texas shares approximately one-half of the land border between the United States of America and the Republic of Mexico. As such, State and local officials in California, Arizona, New Mexico, and Texas should not be excluded from decisions about how to best protect our borders with their varying topography, population, and geography.

Local officials in my home State of Texas—particularly in the areas of El Paso, Del Rio to Eagle Pass, and Laredo to Brownville—cited in the underlying bill, will not have an opportunity to participate in decisions regarding the exact location of fencing and other physical infrastructure near their communities. Because the time constraints imposed by the pending adjournment will not permit a resolution of this very important issue at this time, I asked for, and received, a commitment from our Senate majority leader and the Speaker of the House of Representatives promising to address these concerns.

The letter addressed to the chairs of the Senate and House Committees on the Judiciary and Homeland Security states that prior to adjournment of the 109th Congress, we will act on this issue.

Ours is a nation of laws and we must be a nation of secure borders. I stand ready to work with my colleagues to enact meaningful legislation in this session of Congress that addresses border security first and that ensures our local communities will be involved in the decisions that have such a dramatic impact on the lives of their constituents. I appreciate the commitments of our Senate leader and the Speaker and look forward to working with them on this important issue.

In addition, I have been given a separate letter on this subject from Leader FRIST, and I ask unanimous consent that both of these letters be printed in the RECORD.

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

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, September 29, 2006.

Hon. KAY BAILEY HUTCHISON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR HUTCHISON: I am enclosing a copy of a letter signed today by myself and Speaker Hastert in which we outline a number of important additional border security measures that we plan to take prior to adjournment.

In this letter, the Speaker and I have pledged to respond to the concerns raised regarding the lack of opportunity for local officials, such as those in the areas of El Paso, Del Rio through Eagle Pass, and Laredo to Brownsville, to participate in decisions related to location of border fencing.

Thank you for taking the time to bring this important issue to my attention and to that of our colleagues.

I look forward to working with you upon our return to complete this action.

Sincerely,

WILLIAM H. FRIST,
Majority Leader.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 29, 2006.

Hon. PETER KING,
Chairman, House Homeland Security Committee, House of Representatives, Washington, DC.

Hon. JAMES SENSENBRENNER,
Chairman, House Committee on the Judiciary, House of Representatives, Washington, DC.

Hon. SUSAN COLLINS,
Chairman, Senate Homeland Security and Government Affairs Committee, U.S. Senate, Washington, DC.

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

DEAR CHAIRMEN: Following passage of the Secure Fence Act of 2006, the following actions will be taken before adjournment of the 109th Congress:

First we will work with the Department of Homeland Security (DHS) to ensure they consult with representatives of U.S. state and local governments, including Native American tribes, regarding the exact placement of fencing and other physical infrastructure along the southwest border of the United States.

Second, legislation should require the Secretary of Homeland Security to put fencing

and physical barriers in areas of high illegal entry into the United States, yet allow flexibility to use alternative physical infrastructure and technology when fencing is ineffective or impractical.

Third, the legislation should clarify the definition of operational control of the border to ensure accountability and a workable standard for the Department.

We have spoken to the Administration and know that they fully support these proposals and we expect that they will actively support our effort to make these changes before the end of the year.

Sincerely,

J. DENNIS HASTERT,
Speaker, House of Representatives.

WILLIAM H. FRIST,
Majority Leader, U.S. Senate.

Mr. LIEBERMAN. Mr. President, for years, homeland security experts have been warning that chemical facilities are one of our most glaring homeland security vulnerabilities. Yet Congressional efforts to empower the Department of Homeland Security to regulate such facilities have foundered in the face of administration inaction and opposition from some industry groups and their allies. That is why I am pleased that Congress has at last authorized DHS to begin regulating some of the most risky chemical facilities.

Specifically, the Department of Homeland Security appropriations conference report directs the Secretary of Homeland Security to begin regulating high risk chemical facilities. It gives DHS 6 months to develop interim regulations for chemical site security and specifies that the program should require chemical facilities to develop vulnerability assessments and site security plans. DHS would have to review such documents and approve or disapprove the security plans based on whether they address the vulnerabilities identified for that facility and meet security performance standards designed by the Department. The Secretary would have authority to audit and inspect facilities in the program and to seek civil penalties against those who do not comply. The Secretary could also order the shutdown of a facility that does not meet the standards until it comes into compliance.

This is undoubtedly progress, and I hope DHS will fulfill its responsibility to promptly and vigorously exercise this new authority to address an extremely dangerous homeland security weakness.

But while this provision is an improvement on the status quo, it falls well short of what we need to fully address this threat. That is particularly disappointing because both the House and Senate Homeland Security Committees have approved bipartisan, comprehensive chemical security bills that could have and should have received floor debate and become the basis for final legislation this fall. I deeply regret that we were not able to advance the bipartisan committee bills or to retain many of their provisions.

On the Senate side, Senator COLLINS and I introduced the Senate chemical security bill, S. 2145, after holding four hearings on chemical security this session and consulting with many interested parties. Our legislation was marked up in the Homeland Security and Governmental Affairs Committee in mid-June, and reported out on a 15 to 0 vote. While that bill did not include everything I wished, it was a balanced and comprehensive program for chemical security that was able to garner broad support on the Committee. I wish to address a few specific issues that were part of S. 2145 but which have been lost or distorted in this chemical security provision.

First, let me speak to the issue of inherently safer technology or IST. The bipartisan chemical security bill approved by the Senate Homeland Security and Governmental Affairs Committee recognizes that sometimes the best security will come not from adding guards and gates but from reexamining the way chemical operations are carried out in order to reduce the amount of hazardous substances on site, improve the way they are stored or processed, or find safer substitutes for the chemicals themselves. These changes limit the loss of life or other damage in the event of an attack and therefore make a facility a less inviting target for terrorists to begin with. They also have the added benefit of limiting the harm from an accidental release. S. 2145 clearly requires facilities to look at the risks and consequences related to the dangerous chemicals on site and address those specific vulnerabilities in their security plan. And it includes these process changes among the menu of security measures that chemical facilities should examine when designing their security plans.

The House chemical security bill, H.R. 5695, goes further and would require high risk chemical facilities to implement safer technologies under certain conditions. That requirement is similar to an amendment I offered at markup which, had it been adopted, would have required the riskiest chemical facilities to consider such technologies and implement them if feasible.

This is not a question of forcing industry to conduct its operations off a government-issued play book. Companies would analyze for themselves whether there are less dangerous ways to conduct their business and would not be required to implement any changes that were not feasible or merely shifted risk elsewhere. But given the extraordinary risks involved, it is imperative that companies be required to at least take a long hard look at some of the commonsense solutions that have been advocated or already adopted by others within the industry.

Unfortunately, the chemical security provision included in the DHS appropriations conference report has no language to encourage safer technologies, and actually includes language aimed at preventing the Secretary from even urging a facility to consider such options.

Second, I regret that this chemical security provision includes flawed language on information protection and judicial review. Of course, none of us would want to release sensitive information about a chemical plant that would be useful to a terrorist. However, excessive secrecy in a Government security program can actually make us less, not more safe. This is because some degree of transparency is necessary to help us make Government programs more accountable and effective. Also, local communities and their elected officials deserve to know whether local facilities are being kept safe against a terrorist attack, and the community's vigilance can help make us all safer.

I believe S. 2145 as introduced achieved the right combination of protecting real security information, while allowing enough disclosure to create accountability. Unfortunately, those carefully drafted provisions have been replaced, in this measure, by a mechanism that will impose undue secrecy on information submitted and developed in relation to this program and could deny the ability of Congress and affected communities to ensure that the program operates effectively. This measure also puts cumbersome restrictions on the use of such information in court enforcement proceedings and includes an ill-considered provision that would limit court review of a chemical facility's conduct.

Finally, I am extremely disappointed that this measure does not include the provision from S. 2145 guaranteeing States and localities the right to enact stronger chemical security measures. S. 2145 explicitly recognizes that Congress is not the only body that can and should help ensure the safety and security of the Nation's chemical facilities. States and localities have long regulated such facilities for various safety and environmental concerns. Since 9/11, some States have also moved to require security improvements at these facilities. These State and local protections are critical companions to our effort at the Federal level and should not be displaced unless there is an absolute conflict, such that it is impossible for a facility to comply with both the Federal law and a State or local law or regulation on chemical security. S. 2145 also specifies that it does not disrupt State and local safety and environmental law regarding chemical facilities, and it does not seek to dislodge or alter the operation of State common law with respect to such facilities.

Contrary to calls by industry, the chemical security language Congress is approving does not affirmatively preempt State and local chemical security rules and I do not believe it should or will have the effect of preempting such laws. Nevertheless, it is preferable that Congress speak clearly and decisively

on such an important security matter, and it is unfortunate that the conference report does not retain the strong antipreemption language of our bipartisan Senate bill.

These are only a few of the issues that must be revisited, or visited anew, in a complete authorization bill. This chemical security provision is clearly a stopgap measure, one which will expire as soon as we can replace it with a permanent authorization or, at the latest, three years after enactment. So while we have given DHS the authority immediately to begin regulating chemical facilities, we must not let up in our efforts to reach agreement on a permanent and comprehensive chemical security bill as soon as possible.

Mr. President, I rise today in support of the fiscal year 2007 Department of Homeland Security Appropriations Act, which will direct nearly $35 billion toward strengthening the homeland security of this great Nation. The measure, though imperfect, addresses one of my top priorities, particularly the recreation of our ineffectual Federal emergency management system into an organization capable of preparing for and effectively responding to disasters, whether caused by nature or terrorists.

This month, we observed the fifth anniversary of September 11—a day that changed the course of history for this Nation. We are all united in our desire to defeat the threat of global terrorism and to prevent any more families from having to experience the unfathomable sense of loss that the survivors of 9/11 have experienced.

I believe we have made real progress in strengthening our homeland security since 9/11, and I am privileged to have had a role in bringing about that progress. I must add, however, that we are still a ways off from assuring the American people they are as safe as they should be. We continue to work toward that goal, and each day we get a little bit closer.

This appropriations bill moves us in the right direction in large part because of its provisions to refashion the Federal Emergency Management Agency in the wake of its disastrous preparations for and response to Hurricane Katrina, the worst natural disaster in our country's history which took the lives of over 1,500 citizens and permanently altered the lives of millions more.

Homeland Security and Governmental Affairs Committee Chairman SUSAN COLLINS and I conducted an 8-month-long investigation into the government's disgraceful response to Hurricane Katrina. We found negligence, lack of resources, lack of capability, and lack of leadership at all levels of government, which, as we know too well, resulted in the failure to relieve the massive suffering that occurred along the gulf coast.

To guarantee more effective planning and a more successful response in the future, Chairman COLLINS and I made a number of recommendations in our final report, entitled ''A Nation Still Unprepared.'' The most prominent of these recommendations, a FEMA redesign, is in this legislation before us today. With these changes, which add strength and commonsense restructuring, the Federal Government will be better prepared to protect its citizens in times of disaster.

Let me briefly describe the most important provisions. First, we elevate FEMA to a special, independent status within the Department of Homeland Security much like what the Coast Guard and Secret Service now have—so that reorganizations could only occur by congressional action. The FEMA Administrator will be the President's principal adviser in an emergency and the administrator and top regional officials will have to have appropriate experience and qualifications for the job.

This legislation also restores unity to FEMA's preparedness and response functions. In other words, there will be one organization—FEMA—responsible for both responding to a disaster and planning and training for that response.

To strengthen the ties between Federal and local officials, we will elevate FEMA's regional offices, taking the focus away from Washington and putting it where the real work of preparedness is performed: on the front lines, in the States, towns, and cities most affected by a disaster. The goal is to familiarize Federal officials with regional and local threats, vulnerabilities, and capabilities and ensure that they are familiar with each of them and their State and local counterparts before disaster strikes.

The legislation also creates a new Office for Emergency Communications dedicated to achieving the operability and interoperability of emergency communications among first responders that is fundamental to any disaster response.

These mission changes will begin to be put into place by authorizing a 10 percent increase in FEMA's operations budget in each of the next 3 years—above the much-needed increase in FEMA's fiscal year 2007 appropriations that is included in this bill. Of course, more is needed, but this legislation makes a start. In addition, we authorize additional funds for States to carry out their disaster preparedness responsibilities, including doubling funding for critical emergency management performance grants.

This bill also provides additional assistance to people and communities struck by disaster. It will, for example, allow FEMA more flexibility in the type of housing it can provide disaster victims to find more cost-effective alternatives to the widely criticized FEMA trailers. It establishes measures to assist with family reunification. And it requires FEMA to better address the needs of those with disabilities in disaster preparedness training and an actual disaster.

As is inevitably the case, there are things missing from this bill that would have made it better—provisions that were included in the bill that Senator COLLINS and I introduced and that was passed out of the Homeland Security and Governmental Affairs Committee but that were lost in conference. These include funding for a dedicated grant program to support and promote communications interoperability among first responders and additional assistance for individuals and communities that fall victim to catastrophic disasters.

This appropriations bill advances the safety of all Americans in other important ways. For the first time ever, the Department of Homeland Security would have the authority to regulate high risk chemical facilities. I am disappointed; however, that the bill does not preserve more of the comprehensive and bipartisan legislation passed out of both House and Senate homeland security committees. The Senate bill, for example, guaranteed the rights of states to enact stronger chemical security provisions. And both bills encouraged the use of safer chemicals and methods to lessen the vulnerability of chemical facilities in the first place. These provisions are vital because, as we most recently observed with the breech of security here at our own heavily guarded Capitol complex, guards and gates alone are always subject to failure. The American people will not be safe from attacks on these facilities until we provide comprehensive security.

September 11 showed us the flaws in our ability to detect and avert terrorist attacks. Hurricane Katrina showed we still haven't grasped many of the lessons of 9/11 and so we remain unprepared. This spending bill moves us toward better preparedness and response to the catastrophes we know await our future.

But, unfortunately, there is no cheap way to be better prepared. It takes money—more money than this budget offers. Too few dollars have been set aside to secure our ports, our transit systems, our railways. Our first responders—who need equipment, training, interoperable communications—continue to be critically under funded. The cuts this bill makes in State homeland security funding are far less deep than those proposed by the President in his budget this year, but they are cuts nonetheless, and they continue what has been a disturbing downward trend over the last few years. Since 2004, for example, the state homeland security grant program—which provides the central preparedness assistance to states throughout the country—has been slashed by 69 percent.

Additional resources are needed, and I will continue to advocate for them as a wise investment in the greater protection it will provide the American people. But overall, I think this bill is a significant step toward ensuring that

we have a strong, capable agency to lead the country's response to future disasters, whether natural disasters or terrorist attacks—and that is primarily why I will vote for its passage and urge my colleagues to do the same.

Lastly, I thank all of the staff on the Homeland Security and Governmental Affairs Committee, whose many months of work investigating the Katrina response and overseeing the recovery process, formulating recommendations, fashioning those recommendations into legislation, and guiding that legislation through the Congress has resulted in the important changes to our nation's emergency preparedness and response capabilities included in this appropriations bill. The minority staff members are: Joyce Rechtschaffen, Laurie Rubenstein, Robert Muse, Michael Alexander, Eric Andersen, David Berick, Dan Berkovitz, Stacey Bosshardt, Janet Burrell, Scott Campbell, William Corboy, Troy Cribb, Heather Fine, Boris Fishman, Susan Fleming, Jeffrey Greene, Elyse Greenwald, Beth Grossman, R. Denton Herring, Holly Idelson, Kristine Lam, Kevin Landy, Joshua Levy, Alysha Liljeqvist, F. James McGee, Lawrence Novey, Siobhan Oat-Judge, Leslie Phillips, Alistair Anagnostou Reader, Patricia Rojas, Mary Beth Schultz, Adam Sedgewick, Todd Stein, Traci Taylor, Donny Ray Williams, and Jason Yanussi.

Mr. DOMENICI. Mr. President, I rise today to thank my colleagues for their hard work on the fiscal year 2007 Department of Homeland Security appropriations bill. I also want to congratulate my friend from New Hampshire, Chairman GREGG, for his leadership in putting together a package of funding that will secure our country's ports and borders and strengthen immigration and customs enforcement. During this session of the 109th Congress, we have spent a good deal of time considering measures that would strengthen our borders and reform our immigration system. I believe this spending bill is a testament to the administration and the Senate's commitment to these issues.

In this bill, the conference agreed to provide a total of $34.8 billion to secure our Nation's borders and infrastructure. This marks an overall increase of $2.3 billion over the fiscal year 2006 enacted level, including supplemental funding, and includes a $1.8 billion emergency spending provision for border security.

This bill specifically sets aside over $8 billion for Customs and Border Protection. I represent a State that is directly impacted by its southern border with Mexico, and I laud the provisions that provide funding for 1,500 new Border Patrol agents. My home State of New Mexico is also home to the Federal Law Enforcement Training Center, FLETC, and the addition of extra Border Patrol agents prompted the conference to provide $275.25 million for new facilities, salaries, and additional instructors.

The bill also provides a $602.2 million for the U.S. Customs and Border Patrol to procure and maintain air assets. I thank the chairman for supporting my request for $20 in funding for unmanned aerial vehicles, UAV's, and related support systems. The conference report also provides $232.98 million for a border construction program. Funds from this program will be used to construct and maintain border facilities, and $7.46 million will be used to build vehicle barriers along my State's international border with Mexico. We have heard a great deal from Immigrations and Customs Enforcement, ICE, about the need for additional bed space for apprehended illegal immigrants. The committee provides a total of $3.89 billion in funding for ICE, of which $153.4 million is to be used for additional detention bed space.

Mr. President, it is no easy task to prioritize funding of programs related to homeland security. I am proud of Chairman GREGG's leadership in ensuring that our Government has provided the resources and moneys necessary to secure our borders and strengthen our enforcement systems. Under the chairman's leadership, we have increased funding for border security each year, and I am proud that we have done so again this year.

Mr. GRASSLEY. Mr. President, I rise today to express frustration and disappointment with a provision included in the fiscal year 2007 Homeland Security appropriations bill. The provision would extend the deadline for the Western Hemisphere Travel Initiative from 2008 to 2009.

On August 2 Senate Finance Committee held a hearing to highlight the problems at our Nation's borders. We heard testimony from the Government Accountability Office, GAO, about their undercover border crossings over the last 3 years. The GAO agents used fake documents, phony driver's licenses, and claims of U.S. citizenship in order to enter the United States. According to the GAO, their undercover agents got past the U.S. Customs and Border Patrol 42 of 45 times. CBP failed to catch the intruders 93 percent of the time, proving that anyone with a fake identification and a tall tale can get waived right in the United States.

The committee also heard some very strong evidence as to why the Western Hemisphere Travel Initiative, WHTI/Initiative, is important and why we should make sure this law is implemented by the deadline established by Congress. In 2004, Congress passed the Intelligence Reform and Terrorism Prevention Act to require the Departments of State and Homeland Security to implement a plan requiring a passport or other document for all travelers entering the United States. We passed this initiative in order to reduce the free travel across our borders by potential terrorists, as recommended unanimously after an extensive investigation by the bipartisan, independent 9/11 Commission.

At the hearing in August, CBP agreed that the initiative is important and told us that they were working to be prepared for the January 1, 2008 deadline. They said the initiative and its passport requirement is the ''gold standard.'' In fact, they even stated that another similar hearing could be held again in a few years if our country did not have a mandatory, standardized document with security features such as biometric identifiers. It was made very clear—border security, in part, depends on secure documents.

Congress, through authorization bills, sets deadlines for a reason. Without them, nothing would get done in Washington. Even with deadlines, agency bureaucrats procrastinate. The US VISIT Program of 1996 is a classic example. The deadline we set for the WHTI is not until January 1, 2008. Extending the deadline in this year's spending bill is premature and foolish. We should have allowed the agency to try to meet the deadline and implement a system that will close our borders to potential terrorists as quickly as possible.

If the Western Hemisphere Travel Initiative is delayed, then it is even more critical that our Customs inspectors be equipped with the tools and technology demonstrated at the Finance Committee's August 2 hearing. Only then can they have a better chance at catching people crossing into the United States with fake versions of the currently accepted documents, which are so easy to obtain.

Mr. ISAKSON. Mr. President, I rise today in support of the fiscal year 2007 Department of Homeland Security conference report. I want to begin by thanking Senator JUDD GREGG for his tireless work on this report, and for his commitment to funding the important initiatives in this bill that are so critical to border security, and securing the homeland. Through his leadership a conference report is before us that is fiscally responsible while also implementing the necessary programs to ensure that we continue defeating the threats to our homeland. I would especially like to touch on a few issues that are especially important to our homeland security initiatives and to my State of Georgia.

I applaud the committee's continued reaffirmation of Public Law 106–246, stipulating that any new Federal law enforcement training shall be configured in a manner so as to not duplicate or displace any Federal law enforcement program of FLETC.

This conference report contains $2 million for the Practical Applications/Counterterrorism Operations Training Facility—CTOTF—at the Federal Law Enforcement Training Center—FLETC—at Glynco. Since the terror attacks of 9/11, counterterrorism has become a core function for Federal law enforcement agencies, and the CTOTF will provide practical hands-on training in this new state-of-the-art facility. The CTOTF will recreate various settings, both foreign and domestic, that

agents might encounter out in the field, including rural and urban neighborhoods, subway stations, buildings, and roadways. Part of the training site is now functioning, already making use of donated buses, railway cars, and an airplane.

All 82 law enforcement agencies that train at FLETC will have access to the new facility. We are preparing our Federal law enforcement agents to meet their agencies' mission and I am pleased that this conference report recognizes the need to provide them with a realistic training environment. This practical training, in addition to other tactics they learn at FLETC, will also save lives. The students' level of awareness of potential dangers will be raised so that when they encounter similar situations in the real world, they react correctly.

I also applaud the inclusion of an extension of the Rehired Authority. Without the renewal of this authority, FLETC would not have been able to schedule the full training requirements at Glynco and Artesia to meet the initiative for Border Patrol at Artesia, and the Immigration and Customs Enforcement and Detention Officer Training at Glynco. FLETC has demonstrated the need for the authority to be continued.

There were many strong reasons to justify this needed authority, but perhaps the most compelling is that by using annuitants FLETC can save dollars versus hiring—permanent full-time employees, FTE gain demonstrated experience—the current average is 26 years of law enforcement experience—and free up some of the instructors now provided to FLETC by its partner agencies on a temporary basis to be used instead in front line law enforcement operational functions. I applaud the conference and Chairman GREGG for recognizing the importance of this provision.

FLETC is the Federal Government's primary source of law enforcement training. Eighty-two partner organizations subscribe to FLETC for their law enforcement training at the basic—entry level—and advanced training levels. During basic and advanced training, trainees and newly commissioned law enforcement officers are molded into the culture of law enforcement, much like basic trainees and young soldiers in the armed forces. It takes instructors that have the ability to provide realistic instruction to gain the respect of their students as they immerse students into their law enforcement careers. These instructors can come only from the ranks of Federal employees with many years of current and relevant law enforcement experience. Subject areas taught by these instructors include law enforcement techniques and topical areas, such as counterterrorism prevention and detection and border tracking procedures.

It is in the best interest of the Government to have Federal Government employees with state-of-the-art knowledge and experience regarding tactics, policies, and practices of the law enforcement community to provide instruction to trainees, agents, and officers that are beginning their careers. To outsource training for law enforcement functions, even in a partial or fragmented manner, is counterproductive to the overall security and enforcement of the laws of the United States.

The conference report contains a provision making the activities of the staff of FLETC inherently governmental. And while the words ''and hereafter'' would have provided the desired result of keeping this from becoming an annual issuance issue, I thank the conferees for the inclusion of this language and look forward to working with them to strengthen it in the future.

Finally, I commend Chairman GREGG for his commitment to the CBP P–3 program by providing $70 million to extend the life of these valuable assets for another 15,000 to 20,000 hours. These aircraft are an important component to our national law enforcement and homeland security efforts. In addition, they have been critical for FEMA disaster support.

Specifically modified for use in drug interdiction, these aircraft have been invaluable for the homeland security mission as well. P–3 AEW and P–3 Long-Range Tracker aircraft have a highly successful 20-year record of detecting and tracking drug smugglers throughout the U.S., Canada, Mexico, Caribbean basin, and Central and South America. In fact, in fiscal year 2005, CBP P–3s were instrumental in the seizure and destruction of a record-breaking $1.7 billion worth of illegal drugs and recognized by the U.S. Interdiction Coordinator for this feat.

For years, the CBP P–3 AEW has provided surveillance of significant national events which include support of Presidential and Vice Presidential domestic travel; large, terrorism-vulnerable sporting events—the Super Bowl, 2002 Winter Olympics, the Masters—and large city and regional air surveillance during ''high level'' threat status—AEW surveillance and anti-air coordination of the DC area during State of the Union addresses.

The CBP P–3s have been unspoken heroes in providing FEMA disaster support. There are CBP/FEMA plans to use the P–3s to provide post-disaster assessment and monitoring. In addition, the CBP P–3s were very active in hurricane relief efforts for Hurricanes Katrina and Rita last year. For nearly 2 weeks, they were flying 20 hours a day providing coordination of search and rescue missions, real-time communications links and real-time video to the Homeland Security Operations Center, the CBP Operations Center, and NORTHCOM. These images also were aired on CNN.

These versatile aircraft and their crews have met, and continue to meet, the needs of our country to address a variety of missions. I thank Chairman GREGG for recognizing their important role by extending their service life in a cost effective manner.

I also note the inclusion of funds for a CBP training facility in Harper's Ferry, WV. Given my interest in border security, I look forward to visiting that facility to see firsthand the training that goes on there.

Mr. President, again, Chairman GREGG and his staff are to be commended for their hard work and leadership during a very tough conference negotiation. I appreciate the hard work of my friend, the Senator from New Hampshire, and look forward to working with him in the future on these and other issues.

Mr. JOHNSON. Mr. President, I applaud the progress we will soon make in the Homeland Security appropriations bill to lower the cost of prescription drugs for all Americans. While the prescription drug reimportation provision included in this bill is certainly not a complete solution to the ever-increasing cost of pharmaceuticals, it is part of the answer.

This legislation includes a provision to allow Americans to bring a 90-day, personal supply of prescription drugs approved by the Food and Drug Administration, for which they have a valid doctor's prescription, into the country from Canada.

I commend Senators DAVID VITTER and BILL NELSON, who introduced this amendment to the Homeland Security appropriations bill during the Senate debate, for their dedication to lowering prescription drug prices.

We must reduce prescription drug prices so that Americans are not forced to cut their pills in half or to choose between medicine and groceries. Virtually all democracies in the world, except the United States, negotiate drug prices for their citizens.

The pharmaceutical industry currently sells its Food and Drug Administration, FDA, approved drugs to virtually every other industrialized democracy in the world at prices that are typically 50 percent less than prices in the United States. Ours is an ''open checkbook'' strategy, and the result is massive profits for the drug companies but catastrophe for ordinary Americans.

The growth of prescription drug spending in recent years has outpaced every other category of health care spending. According to the Centers for Medicare and Medicaid Services, prescription drug costs grew at an inflation-adjusted average annual rate of 14.5 percent from 1997 to 2002, reaching $162 billion in 2002. That amount is four times larger than prescription drug costs were in 1990.

An analysis by the Congressional Budget Office found that average prices for patented drugs in other industrialized nations are 35 to 55 percent lower than in the United States. In its 2002 annual report, the Canadian Patented Medicine Prices Review Board

found that U.S.-patented drug prices were 67 percent higher, on average, than those in Canada.

South Dakotans are painfully aware that their neighbors just a few hundred miles to the north, in Manitoba and Saskatchewan, Canada, are paying much less for the exact same prescription medication. One of my constituents recently wrote me with his concerns about the huge discrepancy between drug prices in Canada and the United States. The generic version of his medication is not available in the United States, but because he could obtain the generic from Canada, his physician prescribed it and this man successfully used it for many years.

He writes that in Canada, the price of his generic medication is $0.46 per tablet, and the brand-name drug is $0.77 per tablet. After enrolling in Medicare Part D, he was required to use the brand-name drug, available in the United States for $1.19 per tablet—a 16 percent increase over the Canadian brand-name price, and a 62-percent price increase over the generic drug, which got the job done just fine.

This constituent writes:

> It appears to me that the Medicare D plan is a ''gold mine'' for the drug makers. . . at least for this one drug. It is true that I probably should NOT complain because under the Medicare D I only pay my co-payment. However, my concern is not so much my drug cost but the fact that the American taxpayer is being cheated because of the much higher cost per tablet that is paid to the drug producer under the Medicare D program than if the drugs were purchased on a competitive bid procedure. . . After all, I am also an American taxpayer so it does concern me.

Ehile reimportation is an important step forward, it is only a start in our effort to improve access to necessary medications at affordable prices. We need to go further and allow Americans access to Canadian prices at their local pharmacy. They should not have to take buses to Canada to access these savings.

To that end, I remain dedicated to enacting the provisions of legislation I introduced with a bipartisan group of colleagues, the Pharmaceutical Market Access and Drug Safety Act of 2005, S. 334. This bill would provide for the safe importation of prescription drugs from Canada that are both approved by the FDA and manufactured in an FDA-approved plant. Eventually, once the FDA establishes the appropriate safety protocols included in the legislation, this bill would allow individuals to purchase drugs directly from Canadian and U.S. wholesalers, and pharmacies could import drugs from facilities in several countries that are registered, fully inspected, and approved by the FDA.

So while I applaud the Senate on this small step forward in its efforts to reduce prescription drug prices for Americans, I remain committed to working with my colleagues to create additional initiatives that will lower the cost of prescription drugs.

Mr. INHOFE. Mr. President, I rise in support of the chemical security provisions included in the DHS appropriations conference bill. I have worked on this issue since 2002 and have always supported reasonable chemical security legislation that provides DHS with the authority it needs to protect chemical facilities from terrorists without overreaching. I believe this compromise language achieves that balance.

I am pleased that this language specifically excludes water utilities from coverage and focuses the efforts of DHS on private chemical companies. The Nation's drinking water and wastewater systems are arms of local government, not for profit industries. We in Congress recognized the fundamental difference between the for profit private sector and local government entities when we passed the Unfunded Mandates Act. To have included water utilities in this language would have imposed an enormous unfunded mandate on our local partners in violation of that act.

Many here in Washington assume that local governments need to be forced to protect their citizens. As a former mayor, I can tell you that is simply not true. Local water utilities have been making investments in security consistently since 9/11 and continue to do so. I have offered a bill on wastewater facility security that provides tools, incentives, and rewards, not mandates, for local governments to continue to upgrade security. My legislation passed the Environment and Public Works last Congress with a bipartisan vote and again this Congress by voice vote. However, this week, for the second straight Congress, when I tried to bring the measure before the full Senate, the minority objected even to its consideration. My colleagues on the other side of the aisle are holding this legislation up because it does not impose needless mandates and does not include extraneous environmental provisions.

For these same reasons, many will rise in opposition to the chemical security compromise language included in the conference report. They will argue that the bill needs to allow the Federal Government to tell companies how to manufacture their products by requiring facilities to switch the chemicals they use or change their operating practices. This concept, known as ''inherently safer technology,'' is not, nor has it ever been, about security. IST is an environmental concept that dates back more than a decade when the extremist environmental community were seeking bans on chlorine—the chemical that is used to purify our Nation's water. It was only after 9/11 that they decided to play upon the fears of the Nation and repackage IST as a panacea to all of our security problems.

I find it very interesting that those arguing most vehemently for IST in security legislation are not security experts but, rather, environmental groups. This only underscores the fact that IST is not a security measure; it is a backdoor attempt at increasing the regulation of chemicals operating under the guise of security.

The legislation before us does not include these extraneous environmental mandates but instead properly focuses efforts on security. The language explicitly clarifies that the new regulatory authorities given to the Department of Homeland Security do not include any authorities to regulate the manufacture, distribution, use, sale, treatment or disposal of chemicals. These authorities have been properly provided to the U.S. Environmental Protection Agency and other agencies and departments under numerous environmental and workplace safety laws, such as the Clean Air Act, the Clean Water Act, the Toxic Substances Control Act, the Occupational Safety and Health Act, and a host of others.

I believe the conference language achieves what those of us who have been working on this issue for years have been trying to do—it provides strong authorities to DHS to reasonably regulate private sector entities without being hijacked by extraneous concepts that have no place in the security debate.

Mr. DODD. Mr. President, I rise to discuss the fiscal year 2007 Homeland Security appropriations conference report. The Senate adopted this measure earlier today, and I supported it.

I would like to begin by thanking the principal Senate authors of this conference report: Senator GREGG and Senator BYRD. I commend my colleagues and their staffs for the hard work they put into negotiating with the House of Representatives and crafting this report.

The conference report adopted by the Senate today funds our country's homeland security activities at $34.8 billion for the upcoming fiscal year. These activities include supporting national and regional emergency preparedness, first responders, and infrastructure protection. Taken together, these initiatives form the foundation upon which our country depends for its domestic security.

I feel compelled to speak today because notwithstanding the efforts of our colleagues and notwithstanding the adoption of this conference report, I have deep concerns about how this measure—like those that preceded it—funds our country's vital homeland security and emergency preparedness activities.

We all know that disasters—both natural and manmade—continue to threaten our Nation's domestic security and prosperity. As Hurricane Katrina tragically demonstrated last year and as the recent terrorist plot uncovered by British authorities to destroy U.S.-bound aircraft demonstrated last month, our domestic security—particularly our critical infrastructure—remains dangerously prone to exploitation and attack. In light of this unpleasant reality, one would think that the Congress of the United States would do everything it could to shore

up the foundation of our domestic security—to make it as impregnable as possible against the destructive forces of nature and man. Yet, as we look at the measure adopted by the Senate, I do not believe it does enough to protect Americans from natural disasters or acts of terrorism.

I believe that the most important activities for ensuring our domestic security include assisting local and regional emergency preparedness activities, supporting first responders, and protecting critical infrastructure. Taken together, these activities represent the backbone of our efforts to plan for, respond to, and prevent disasters on our soil. They encompass supporting firefighters, police officers, emergency medical technicians; they encompass fully protecting all of our ports and transit systems; and they encompass quickly and effectively responding to real or perceived threats in all parts of our country.

Over the past several years, experts in the national security and public health issues relevant to our first responders, critical infrastructure, and emergency preparedness have reported their domestic security needs. I would like to remind my colleagues that these are present needs—not future projected needs. For example, our firefighters have identified more than $4 billion needed each year for performing their critical duties safely and efficiently; our port authorities have identified $8.4 billion required for meeting increased Federal security requirements; and our transit systems have identified $6 billion needed for making our trains and buses safer for passengers.

Regrettably, the conference report adopted by the Senate continues a pattern of failure on the part of the present administration and leadership of Congress to adequately meet these needs. Under this measure, States receive $900 million from the State Homeland Security Grant Program—a $350 million increase over the fiscal year 2006 level but $250 million below the fiscal year 2005 level. Our firefighters receive $662 million from the FIRE and SAFER grant initiatives—vital firefighter assistance grants that I was pleased to author with Senators DEWINE, WARNER, and LEVIN. This level of funding is $7 million above last year's level but $1.338 billion below the most recent combined authorization level. Our ports receive $210 million—just over half of the amount authorized in the recently passed SAFE Ports Act, which I was pleased to support. Finally, our transit systems receive $175 million—a $25 million increase above last year's level. While we have taken steps to boost our domestic security since the attacks of September 11, 2001, our State and local governments largely remain inadequately prepared, our first responders spread too thin, and our critical infrastructure inadequately protected.

I would also like to discuss briefly another aspect of this conference report. In addition to funding the Department of Homeland Security for the upcoming fiscal year, the conference report makes significant administrative changes to the Federal Emergency Management Agency, FEMA. Many of these changes codify recommendations made by the 9/11 Commission and various reports issued in the wake of the Federal response to Hurricane Katrina.

I would like to commend particularly the efforts of Senator COLLINS and my fellow colleague from Connecticut, Senator LIEBERMAN, in working with conferees to incorporate these reforms to FEMA into the conference report. In my view, these reforms promise ultimately to return FEMA to being better empowered to manage mitigation, preparedness, response, and recovery activities with respect to natural and man-made disasters.

Nevertheless, I would be remiss if I did not mention some concerns I hold with respect to these reforms. More specifically, I remain concerned these reforms open the possibility for, but do not guarantee, input from all stakeholders involved with local, regional, and national emergency preparedness efforts. I am also concerned that these reforms do not offer, in my view, explicit guidelines with respect to resource sharing, capability standards, and compliance benchmarks. I believe that it is essential for FEMA, as it works to incorporate these reforms, to develop and implement proper regulations that ensure equal input from all local, regional, and national stakeholders, clear guidance on adequate local, regional, and national levels of investment, and clear direction on what activities need to be performed by local, regional, and national preparedness systems.

Mr. President, we continue to live in an age when the threat of harm to Americans on their own soil remains dangerously high. As world events continue to remind us, we must remain vigilant about our domestic security. We must proactively assess our weaknesses and proactively work to do all we can to eliminate those weaknesses. Put simply, the lives and the safety of all Americans hang in the balance.

On balance, I supported this legislation because the funding it appropriates does take important steps toward meeting some of our crucial domestic security needs. However, I look forward to working with my colleagues in the coming years to find and provide the resources necessary to make our Nation as safe and strong as it can possibly be.

Mr. LEVIN. Mr. President, I will support final passage of the Homeland Security appropriations bill today because it includes vital funding for our first responders and our Nation's borders. Unfortunately, the bill still does not go far enough.

In particular, I am disappointed that the Senate has again included the small State funding formula for our largest first responder grant program. We need to change our approach to allocating these scarce resources by reducing the amount of funds allocated to States regardless of need and increasing the funds available to States facing the greatest threats and greatest need. I will continue to work with my colleagues in coming months to make the allocation of these scarce resources more equitable.

I am also disappointed that this bill does not take steps to establish a Northern Border Air Wing in Detroit, MI, as the Senate bill did. The Northern Border Air Wing, NBAW, initiative was launched by the Department of Homeland Security, DHS, in 2004 to provide air and marine interdiction and enforcement capabilities along the northern border. Original plans called for DHS to open five NBAW sites in New York, Washington, North Dakota, Montana, and Michigan. Michigan was originally scheduled to be the third facility opened.

The New York and Washington NBAW sites have been operational since 2004. Unfortunately, not all of the sites have been established, leaving large portions of our northern border unpatrolled from the air and, in the case of my home State, the water. In the conference report accompanying the fiscal year 2006 DHS appropriations bill, the conferees noted that these remaining gaps in our air patrol coverage of the northern border should be closed as quickly as possible. This bill does not accomplish the goals set by Congress last year.

In testimony before the House Armed Services Committee, John Bates, the Chief CBP official in the Detroit Sector said the Detroit area's international border is ''an attractive site for criminal organizations that traffic human cargo, contraband, and narcotics across our border.'' Chief Bates also noted in his testimony that the ''natural terrain and geographical nexus to the waterways'' presents a tremendous challenge to border interdiction and Law Enforcement efforts, the failure of which ''could have major national security implications.''

During Senate floor consideration, with the help of Senators BYRD and GREGG, the Senate accepted my amendment related to establishing the fifth and final Northern Border Wing. Unfortunately, this funding was taken out in conference, and the gap along the northern border will remain open for yet another year.

Given the serious threat from terrorists, drug traffickers, and others who seek to enter our country illegally, I would hope the Department uses its operating funds to open the Michigan site as soon as possible. According to the Department, establishing the NBAW will cost approximately $17 million. This would be consistent with an April 11, 2006, letter to me in which Secretary Chertoff indicated that it was his Department's plan to open the Michigan site during the 2007 fiscal year. I hope he will follow through on that promise.

Although I wish the bill did more to make first responder funding risk-based and to establish a Northern Border Wing in Michigan, there are many provisions in the bill that I support.

I was pleased to learn of the appropriators' decision to retain the Leahy-Stevens Western Hemisphere Travel Initiative deadline extension. According to the Detroit Regional Chamber of Commerce, businesses in Michigan are already being negatively impacted by concerns about crossing land borders from Canada into the United States. Extension of the implementation deadline will allow DHS and the State Department to work through a variety of issues associated with REAL ID and the proposed pass cards, as well as allow for a more effective public information campaign.

I am also pleased that the final bill includes funding for 1,500 new Border Patrol agents. I hope the Department will apportion these agents in a manner that considers the threat along the northern border, particularly in the areas around the northern border's busiest crossings. I was pleased the conferees noted the lack of experienced border agents on the northern border and that they have agreed to hold the Secretary's feet to the fire on this issue. As a member of the Homeland Security and Governmental Affairs Committee, I look forward to discussing this matter with Secretary Chertoff.

The conferees retained a provision regarding a pilot project for unmanned aerial vehicles on the northern border. The Great Lakes are almost completed unguarded at present, and UAVs are the perfect technology for surveillance along these water borders. The Great Lakes offer a unique opportunity for the Department, and I look forward to working with the Department in the coming year on this issue.

I am pleased that the bill includes language that will strengthen the Federal Emergency Management Agency, FEMA. The Federal Government's bungled response to Hurricane Katrina demonstrated incompetence at the highest levels of DHS and also demonstrated the need to strengthen our Nation's emergency response capabilities. The FEMA provision will restore the vital connection between emergency preparedness and response that Secretary Chertoff had previously severed. The bill also includes a provision for keeping families together during mass evacuations and requires DHS to establish a National Emergency Child Locator Center that will help families reunite more quickly in the event they get separated during a disaster. I hope these provisions will help prevent the reoccurrence of one of the most tragic consequences of the Katrina disaster—the thousands of children who were reported as missing in its aftermath. However, I am disappointed that the bill did not include a $3.3 billion authorization for a dedicated communications interoperability grant program. This provision had previously been included in an emergency management reform bill that we passed in the Homeland Security and Governmental Affairs Committee.

The bill also includes a provision that would authorize the Secretary of Homeland Security to issue interim regulations for high-risk chemical facilities. Although this authorization is long past due, I am disappointed that such an important provision was drafted behind closed doors, instead of being vetted with full transparency, as was the case with the comprehensive chemical plant security legislation that passed out of Senate Homeland Security and Governmental Affairs Committee unanimously on June 15, 2006. I am glad that a 3-year sunset provision was included in the bill so that the authorizing committees can make any needed improvements to ensure that the threats from chemical plants are fully addressed.

Mr. CHAMBLISS. Mr. President, I rise today in support of the fiscal year 2007 Homeland Security conference report. It is important for me to begin by thanking Senator JUDD GREGG for his hard work and for his dedication to producing a strong report. I commend Senator GREGG for his leadership and for working with me to secure several important initiatives that are so important for the State of Georgia and for America's security.

The Federal Law Enforcement Training Center, FLETC, is located in Glynco, GA. We have outstanding law-enforcement training which takes place at this fine facility. The conference report restored $2 million to FLETC's Counterterrorism Operations and Training Facility, COTF. I am profoundly grateful for this funding and know that the men and women of law-enforcement who operate and train at FLETC are grateful, also. Since the attacks of 9/11, it has become vital that our law enforcement receive the most up to date counterterrorism training that is available, and FLETC provides it.

I also would like to commend Chairman GREGG for including language to ensure that the training and programs being developed at the Advanced Training Center at Harper's Ferry, WV, will not be duplicate or displace any Federal law enforcement program at FLETC. I am pleased that Senator GREGG referenced the language in Public Law 106–246 in order to reaffirm Congress's longstanding commitment to protect the programs and training at the FLETC. I look forward to continuing to work with him to ensure that this language continues to be included in the future.

Senator GREGG honored my request to protect and ensure the FLETC to renew the Rehired Authority. Without the renewal of this authority, FLETC will not be able to schedule the full training requirements at Glynco and Artesia, NM, to meet the initiative for Border Patrol at Artesia, and the Immigration and Customs Enforcement and Detention Officer Training at Glynco. The FLETC has demonstrated the need for the authority.

There are many strong reasons to justify this needed authority, but perhaps the most compelling is that by using annuitants, FLETC can save dollars, versus hiring permanent full-time employees, gain demonstrated experience—the current average is 26 years of law enforcement experience—and free up some of the instructors now provided to FLETC by its partner agencies on a temporary basis to be used instead in front line law enforcement operational functions.

The Federal Law Enforcement Training Center is the Federal Government's primary source of law enforcement training. Eighty-two partner organizations subscribe to FLETC for their law enforcement training at the basic—entry level—and advanced training levels. During basic and advanced training, trainees and newly commissioned law enforcement officers are molded into the culture of law enforcement, much like basic trainees and young soldiers in the Armed Forces. It takes instructors that have the ability to provide realistic instruction to gain the respect of their students as they immerse students into their law enforcement careers. These instructors can come only from the ranks of Federal employees with many years of very relevant law enforcement experience. Subject areas taught by these instructors include law enforcement techniques and topical areas, such as counterterrorism prevention and detection and border tracking procedures. It is in the best interest of the Government to have Federal Government employees with state-of-the-art knowledge and experience regarding tactics, policies, and practices of the law enforcement community to provide instruction to trainees, agents, and officers who are beginning their careers. To outsource training for law enforcement functions, even in a partial or fragmented manner, is counterproductive to the overall security and enforcement of the laws of the United States.

The conference report contains language making the activities of the staff of the FLETC inherently governmental. While it was my hope that the provision would have been strengthened by the use of the words ''and hereafter'' to avoid the requirement of a renewal each year, I look forward to working with the chairman to achieve this goal in the future.

I am very proud of our employees at FLETC Glynco and the work that is done there and am a very strong supporter of the FLETC. I look forward to continuing to help strengthen the operations that are conducted there so that we can offer the best possible training and protection to our homeland.

Mr. CRAIG. Mr. President, let me first express my appreciation for the hard work of the conferees in approving the legislation we will vote on

shortly that contains an important provision addressing the security of our Nation's chemical infrastructure.

I believe it is very important that our chemical infrastructure have safeguards for the use and storage of chemical manufacturing and distribution. There is no doubt that it is vital to our efforts to ensure national security and the safety of the public. However, we should remind ourselves that many in the regulated community have already taken proactive actions, especially since September 11, 2001, to address threats to their facilities and operations, and have adopted a number of safeguards.

It is my hope that Congress in its oversight role, and the Department of Homeland Security in its administrative and regulatory role, takes those efforts into account and ensures that any new protections and regulations are workable and appropriate.

I am concerned that while the intent of the chemical security ''compromise'' in this conference report is to address security concerns associated with high-risk industrial chemical use, the bill may also affect many low-risk facilities at a disproportionate level. One of those low-risk industries that will certainly be affected is our domestic dairy industry.

My State of Idaho is a leader in milk production and processing, and our dairy industry is a major economic force. The industry employs the latest technologies to provide high quality products to our consumers and trading partners. What most people do not know is that dairy farmers, dairy cooperatives, and milk processors use anhydrous ammonia as a cooling agent to safely store milk and milk products as it makes its way from farm to grocery store shelf.

Many in the food industry consider anhydrous ammonia to be one of the most efficient refrigerants available and in a relatively low-risk process. In accordance with Government regulations and guidelines, many dairy facilities now use anhydrous ammonia refrigeration systems after phasing out other chemicals that are less environmentally friendly.

The dairy industry in Idaho and nationwide has been extremely diligent in taking actions to enhance the safety and security of their facilities. Those actions include regularly working with the Department of Homeland Security under Presidential Directives 7 and 9 along with regularly conducted vulnerability assessments with the Food and Drug Administration, FDA, the Department of Homeland Security, DHS, the Federal Bureau of Investigation, FBI, and State and local officials.

Food facilities were some of the first industries we focused on in our fight against terrorism. This sector of our economy is currently regulated under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 under the jurisdiction of the FDA. The anhydrous ammonia in the refrigeration systems at these facilities is already regulated by the Environmental Protection Agency, EPA, under its Risk Management Program, RMP, regulations and by the Occupational Safety and Health Administration, OSHA, under its Process Safety Management, PSM, regulations.

I believe, that the intent of including language in this conference report to strengthen the safety of our chemical production infrastructure was to focus on high-risk chemical plants. However, the language in the bill could impose serious burdens on what would normally be considered low-risk operations like dairy farms, cooperatives, and milk processors.

Clearly, there is substantial interest in ensuring the security of our Nation's chemical infrastructure while not forcing onerous and duplicative regulations on one of our most important food industries. I hope some common sense will prevail on this issue, and I plan to continue to work with my colleagues on both sides of the aisle and the administration to see that happen.

Mr. BYRD. Mr. President, on the 5 year anniversary of the terrorist attacks of 9/11, many our Nation's commentators asked the same question: Are we safer today than we were on 9/11? Well, I must say to my colleagues, that is the wrong question. America was not safe on 9/11.

So in my book, being safer than we were on 9/11 is not saying much. We must set a higher standard.

Regrettably, the President has set a very low standard. The President is comfortable with cutting grants to first responders 3 years in a row at the same time that our police, fire, and emergency medical personnel still cannot talk to each other on their radio systems. The President is comfortable with cutting grants to equip and train our heroic firefighters by 46 percent and with proposing to eliminate the program to hire more firefighters. The President is comfortable with a Homeland Security Department that is so bureaucratically lethargic that $173 million approved by Congress to secure our ports sat in the Treasury here in Washington for 11½ months.

This President is comfortable with a rob-Peter-to-pay-Paul approach to homeland security. When the Department was faced with a shortfall in funding for securing Federal buildings, the administration proposed to cut funding for developing effective countermeasures for explosives. A month later, Britain arrested potential terrorists who wanted to blow up planes over the Atlantic with liquid explosive. What an embarrassing, short-sighted proposal from the administration. I was pleased to join Chairman GREGG in rejecting the proposal.

This administration was comfortable with shutting off federal funding for the FEMA program that provides long-term healthcare to the brave first responders who tried to save lives and look for survivors at the World Trade Center on 9/11. It was the Congress that came forward with funds to continue providing healthcare to our first responders.

Well, I am not comfortable with the state of our homeland security.

It has been 5 years since the 9/11 terrorist attacks. It has been nearly 5 years since Richard tried to blow up a plane bound for Miami. It has been 2½ years since hundreds were killed in the Madrid train bombings. It has been over 1 year since 752 were killed or wounded in the London train bombings. Just this summer, potential terrorists were arrested in Britain, who were planning to blow up planes over the Atlantic. Our aviation sector remains on high alert. There is no question about a continuing risk of attack.

So, 5 years after 9/11, has the Department of Homeland Security taken the steps that it needs to take to help make Americans safe?

Five years after the 9/11 attacks, 11 million cargo containers arrive in the United States each year. Any one of them could carry a nuclear bomb, or nuclear material to make a bomb. Yet only 5 percent of these containers are opened and inspected. Only 17–19 percent are examined with imaging equipment. Only 73 percent are screened for nuclear material.

Five years after the 9/11 attacks, many of our first responders still cannot communicate with each other on their radio systems.

Five years after the 9/11 terrorist attacks, we still have no system for verifying the identities and backgrounds of the thousands of workers who have access to our ports, boats, cargo containers, or air cargo.

Five years after the 9/11 terrorist attacks, we still do not have a reliable system for inspecting the 23 billion pounds of air cargo that is placed on passenger aircraft every year.

Annually, 500 million people cross U.S. borders via ports of entry—more than 330 million of them are noncitizens. One of the key findings of the 9/11 Commission is that we do not have a system in this country for tracking aliens who pose a risk and remain in this country undetected. Five years after the terrorist attacks of 9/11, we still do not have a system for knowing when, or if, aliens have left the country. Nor do we have a 10-fingerprint system to reliably verify the identity, or the criminal or terrorist background, of aliens coming into this country.

The EPA has estimated that there are 123 chemical plants across the country that could each endanger more than 1 million people if attacked. Yet 5 years after the 9/11 terrorist attacks, we have no regulations directing the chemical industry to improve security.

Five years after the terrorist attacks of 9/11, we have a Department of Homeland Security, but it is a department rife with management problems. The Department has become a contractor's dream. Over $11.5 billion of the Department's budget was executed through

contracts, a 60-percent increase over 2004. Yet only 18 of the 115 major DHS contracts are managed by certified program managers. What an incredible opportunity for waste. It is no wonder that the GAO found $1.4 billion of waste from Katrina spending.

The Department has the dubious distinction of being investigated 525 times by the GAO since its inception. The vast majority of the GAO reports cited poor management and leadership practices.

According to the Rand Corporation, between 1998 and 2003, there were approximately 181 terrorist attacks on rail targets worldwide. Five years after the terrorist attacks of 9/11, the Department has no plan for helping State and local governments to secure rail and transit systems. $150 million that Congress appropriated for rail and transit security sat at the Department for 11½ months. Since 2001, I have offered eight different amendments to fund rail and transit security, and all of them were opposed by the administration and defeated.

The recent terrorist plot to blow up commercial airplanes crossing the Atlantic Ocean has highlighted a known vulnerability. Five years after the terrorist attacks of 9/11, we do not have technologies that can detect liquid explosives.

The Department recently published a Nationwide Plan Review that found that the majority of State and local emergency operations plans are not fully adequate, feasible, or acceptable. Can you imagine? Five years after 9/11, the Department's own data indicates that State and local governments are not ready to deal with a catastrophic event. The Department has not even published a congressionally mandated National Preparedness Goal.

The terrorist attacks of 9/11 should have been a wake-up call; but, apparently, the Department of Homeland Security, which was created in response to 9/11, somehow did not get the message.

Given these continuing vulnerabilities, I am pleased to say that the conferees have set a higher standard than the White House or the Department.

The conference agreement contains many improvements to the President's request, particularly, with regard to border security and port security. Were steadily increasing funding for Emergency Management Preparedness Grants, despite the President's proposed cuts each year. We have restored proposed cuts in grants to fire departments for needed equipment, and for hiring firefighters. The conferees have also mandated that grants be awarded within certain timeframes so that dollars intended to make Americans safer do not sit in the Treasury for an entire year.

The conference agreement also includes important reforms in the organization of FEMA. Hurricane Katrina proved that the Administration's approach to breaking FEMA into pieces was a failure. This legislation will help put FEMA on sound footing.

In addition, the conference report contains many provisions that provide clear guidance to the Department about how to improve its operations.

I am particularly pleased with the improvements in funding for border security. Over the pass 2 years, starting with an amendment I offered with Senator LARRY CRAIG to the fiscal year 2005 emergency supplemental—with the support of my Subcommittee Chairman, Senator GREGG—this Congress, and especially this Senate, has added 4,000 new Border Patrol agents and 9,150 new detention beds to the fight for border security. And, as a result of our efforts, there are 1,373 new detention personnel and 526 new Customs and Border Protection officers at our ports of entry.

With Congress leading the way in a bipartisan manner, this administration has finally awakened and realized that this country faces a true illegal immigration crisis. There are 12 million illegal aliens currently living in this country—with more than 500,000 new illegal entering each year. And, as of this past January, there were an estimated 558,000 alien absconders—illegal aliens who have been ordered to be removed from this country, but who have thus far escaped detection. These individuals must be found and removed.

I am pleased that the conference report before us makes great strides at achieving that goal. We are ending the short-sighted practice of ''catch and release'' and replacing it with ''catch and remove.'' This conference report supports 27,500 detention beds.

We have increased the number of Fugitive Operations teams from 16 in fiscal year 2005 to 75 teams in fiscal year 2007. In fiscal year 2005, these teams apprehended over 15,000 illegal aliens including 270 sexual predators and 11,200 fugitive aliens with judicial orders of removal against them. Adding an additional 23 more teams—for a total of 75 teams—will make a real difference in removing from this country those individuals who have been ordered removed and who are here illegally.

We are also increasing funding for the criminal alien program, which identifies illegal aliens currently serving time in U.S. prisons and begins removal proceedings against them while they are in jail. There are an estimated 630,000 criminal aliens in all Federal, State, and local prisons—of whom 551,000 have not yet been identified for removal from the country. Of these, 275,000 are here illegally. Additional attention is also focused on worksite enforcement.

I commend my excellent Chairman, Senator JUDD GREGG, for his outstanding knowledge of this bill and for his leadership. I thank him and his able staff, and I thank my staff, for their work on this legislation. This is a good agreement.

Mr. NELSON of Florida. Mr. President, every year, millions of Americans who cannot otherwise afford their prescriptions at pharmacies in the United States seek the same FDA-approved prescriptions from Canada at significantly lower prices. However, on November 17, 2005, U.S. Customs quietly implemented a new, stricter policy on prescription drug importation. The new policy has resulted in over 37,000 prescription drug shipments being detained by Federal officials. The new policy has limited the ability of American consumers to purchase these legally prescribed medications from FDA-approved facilities in Canada.

Mr. President, I can tell you that my constituents are extremely disturbed by the actions being taken by our Federal Government. Silently implementing a stricter policy without adequately informing the public puts the health of those who have relied on the prompt delivery of these medications at risk.

That is why I offered an amendment with Senator VITTER to the Senate version of the Department of Homeland Security Appropriations bill. Our amendment prohibits Customs from stopping the importation of FDA-approved prescription drugs by American citizens. The amendment received overwhelming bipartisan support when it was added to the Senate bill.

Unfortunately, the language agreed to by a House-Senate conference committee will only allow Americans to buy and carry home Canadian prescription drugs for personal use, while continuing to prohibit consumers from ordering their prescriptions from Canada by mail.

Although the original Nelson-Vitter provision would have given all Americans greater access to affordable prescription drugs through the mail, the diluted version that emerged from conference committee will help only a few Americans from one part of the country. This language helps almost no Floridians who live thousands of miles from the Canadian border. While I am pleased that Americans living near the border will now have greater access to low-cost prescription medications, I believe that this provision discriminates against Floridians and others who do not live near Canada.

However, this provision is a small step in the right direction. I believe that its passage will open the door to expanding access to lower-cost medications from Canada for all Americans, regardless of where they live. We have made progress but I intend to keep pushing the issue until all Americans can get the medications they need at an affordable price.

The PRESIDING OFFICER. There are 5 minutes remaining equally divided prior to the vote.

The Senator from New Hampshire.

Mr. GREGG. On behalf of myself and Senator BYRD, we yield back the time.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. GREGG. 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. LAUTENBERG. Mr. President, I will speak on the port security conference report we are just passing. I am a conferee on that bill and this conference has been a sham. It is shameful because the Democratic members of the conference committee have not been allowed to offer amendments to the conference report. We were sitting on our hands for virtually an hour while the chairman of the conference committee was absent, without a piece of paper in front of us about what was in the port security bill. Nothing. There was no indication of what was there. No guide, nothing—just sitting there wiling away the time.

Why, we asked, did the Republican leadership in the House and the Senate allow this perversion of the democratic process? Why make promises we would have a chance to offer amendments but never be able to do so?

They wanted this conference to be a plain backroom deal. Their agenda is to strip from this bill important provisions on rail security, transit security and aviation security and replace them with legislation that has nothing to do with our homeland security at all, our port security.

I would like to understand from the majority what it is they were trying to tell the American people. What was so objectionable about the provisions Democratic conferees wanted to offer to bolster aviation, transit, rail, truck, bus, and pipeline security?

The Senate has agreed to the rail security legislation and twice the Senate has approved transit security legislation. Twice the Senate agreed to my amendment to remove the arbitrary cap on the number of airport screeners that can be hired, but each time these measures died due to the inaction by the House of Representatives. Now Republican leaders, once again, want to kill them.

Last night, the Republican chairman assured the Democratic conferees that they could offer amendments to the conference report, but they put obstacles in the way to permit it from happening. Republicans were fearful of showing votes against common sense for rail, transit and aviation security measures. This challenges logic beyond belief.

Last night, the House had actually approved, had voted 281–140, to instruct their conferees to support the Senate provisions on rail, transit and aviation security. Transit systems have always been terrorist targets. They are open, accessible and teeming with innocent people. Since we have not done what we need to do to protect them, they are vulnerable.

Recent attacks in Madrid, London and Mumbai have shown just how devastating these attacks can be. Hundreds of people have been killed just commuting to and from their jobs in those cities.

The Senate rail security provision mandated measures to help protect 25 million Amtrak riders each year, but the House leadership dismissed recent attacks on the rail systems as not significant enough to guard against. It would protect millions more who live near rail tracks where trains carrying hazardous materials pass by, with some very close to this facility, on nearby tracks. Once again, logic failed.

The aviation security provision dealing with airport screeners was approved in the Senate by a vote of 85–12. It would have removed the arbitrary caps on hiring TSA airport screeners. I repeat, the Senate, by a vote of 85–12, would have removed the arbitrary cap on hiring TSA airport screeners even though burgeoning numbers of passengers are flooding our airports. Lifting the cap could have made air travel safer. And it would have reduced the amount of time passengers have to wait in line at terminals to pass through security lines.

It is important for the American people to understand the enormous opportunity taken away from them to protect themselves. It is important for our people to understand the leadership in the Congress stood against rail security, transit security or shorter airport-airline passenger security.

We did not finish the conference on the port security bill. We finished a sham. The majority ought to be embarrassed by their thoughtless abandonment of essential security protection for the American people as they travel.

The leadership stripped out—in the conference that never took place—rail transit and aviation security but made sure that Texas Hold'em Poker games are illegal to play on your computer.

I regret this took place. I hope America does not see in its near future that they were foolishly careless in not protecting our citizens as much as they could.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized for 3 minutes.

Ms. COLLINS. Mr. President, I ask unanimous consent since the Senator from Alaska yields back his 5 minutes that I be permitted to speak for up to 10 minutes.

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

SAFE PORT ACT

Ms. COLLINS. Mr. President, shortly this evening, the Senate will adopt the conference report on the SAFE Port Act. This conference report includes all of the major port security improvements that were included in the Port Security Improvement Act of 2006 that passed the Senate just 2 weeks ago. It has been strengthened by including some of the provisions in the companion House bill.

This is a major accomplishment for this Congress that will help to strengthen our Homeland Security in ways that really matter. The original template for the SAFE Port Act was the GreenLane Maritime Cargo Security Act I introduced with Senator MURRAY, Senator COLEMAN and Senator LIEBERMAN almost a year ago.

I commend Senator MURRAY for her steadfast commitment to strengthening port security. I also thank the Presiding Officer, Senator COLEMAN, for his leadership. He has chaired three hearings on cargo security that helped identify the vulnerabilities and shortfalls in the current systems. That investigation by the Permanent Subcommittee on Investigations, in fact, helped inform our legislation and, indeed, all of the problems that the Presiding Officer identified in his hearings have been addressed in this landmark legislation.

I also commend the ranking member of the Homeland Security Committee, Senator LIEBERMAN, who helped to shepherd this bill through our committee. This has truly been a bipartisan bicameral effort. It represents the Senate at its best. As a result, we have been able to produce significant legislation.

America's 361 seaports are vital elements in our Nation's transportation network. Last year, some 11 million shipping containers came into this country. Now, when we look at the shipping containers, we hope they simply contain consumer goods or parts or other useful objects. But, in fact, every one of these 11 million shipping containers has the potential to be the Trojan horse of the 21st century.

The vulnerability of our cargo is perhaps best illustrated by an incident that happened in Seattle earlier this year. In April, 22 Chinese nationals were caught as they attempted to leave a shipping container. Those illegal aliens transited in a shipping container all the way from China to our shores to the port of Seattle. This container could have just as easily have contained not people seeking a better way of life but people seeking to destroy our way of life. There could have been a squad of terrorists in that container. There could have been the makings of a dirty bomb. There could have even been a small nuclear device. That is the vulnerability of the current system.

In fact, the containers have been called the poor man's missile because a low budget terrorist could ship one across our oceans to a United States port for only a few thousand dollars. The stakes are very high.

If you visit a port like Seattle, as I have, you see that the port is located in the midst of a large urban population, with two stadiums close by, with ferries bringing thousands of visitors. The loss of life would be devastating.

But there is another impact of a possible attack on our ports; that is, the

economic loss that would ensue. We are aware that many plants and retailers now rely on just-in-time inventories that bring goods to their stores.

I think we should look back at 9/11 and look at what happened to our system of commercial aircraft when we had the attacks on our airplanes. In fact, commercial aircraft were grounded for a number of days. And just as that happened 5 years ago, an attack on any one of our ports would most likely result in the closure of all ports, and the economic consequences would be devastating. It would affect the farmers in the Midwest, who would be unable to ship their crops. It would affect retailers across the country, who would soon have empty shelves. It would affect factories that would be forced to shut down and lay off workers because of the loss of vital parts.

The best example I can give you of what the economic impact would be is to look back at the west coast dock strike of 2002. Unlike any terror attack, that was both peaceful and anticipated, and yet it cost the economy $1 billion a day for each of the 10 days it lasted.

Since the attacks on our country 5 years ago, there have been some actions taken to improve security at our seaports. For example, the Department of Homeland Security instituted several important port security programs such as the Container Security Initiative and what is known as C–TPAT, the Customs-Trade Partnership Against Terrorism Program. Unfortunately, the investigation led by the Senator from Minnesota has demonstrated that those programs have been very unevenly implemented. Some have lagged, and some have not been effective because there has not been the proper verification that has been needed.

What our legislation would do is provide the structures and the resources to strengthen those programs. The legislation before us is a comprehensive approach that addresses all levels and all major aspects of maritime cargo security.

It will require the Department of Homeland Security to develop a comprehensive strategic plan for all transportation modes by which cargo moves into, within, and out of U.S. ports.

It requires the Department of Homeland Security to develop protocols for restarting our ports if there were an incident, which we certainly hope this legislation will prevent or help prevent any attack on our seaports, but if one does occur, it is essential the Federal Government have a plan for reopening the ports and releasing cargo as soon as possible. Unfortunately, and in my opinion amazingly, we do not have such a plan today. So we will require the Department of Homeland Security to develop such a plan.

We authorize $400 million for each of the next 5 years in risk-based port security grants. We also authorize training and exercises that we know are key to preparedness and effective response.

We improve and expand several security programs, such as the Container Security Initiative, the C–TPAT Program, and we establish deadlines for action on these programs.

We provide additional incentives for shippers and importers to meet the highest level of cargo-security standards. We also make sure the Department is meeting deadlines for such essential programs as the TWIC Program.

Another critical provision in this bill is the requirement that all containers at our 22 largest ports be scanned for radiation by the end of next year. All the 22 largest ports, which handle 98 percent or virtually all cargo, would be required to have radiation detection devices in place by the end of next year. We also expand the radiation scanning that is done at foreign ports through the CSI program and the Megaports program. Obviously, our goal is to push off our shores and keep the danger from ever getting to our shores in the first place.

Another security measure is the vital transportation Worker Identification Credential, or the so-called TWIC, Program. It has languished for years, and it should not have because the TWIC Program is necessary to control access to port facilities and vessels, and it is a vital program.

We also—I know this has been of great interest to the Presiding Officer—establish a pilot program with real deadlines and real results at three foreign ports to test the feasibility of doing a nonintrusive scan; in other words, sort of an x ray of every container, have that scan actually analyzed, and combine it with a radiation scan.

That is going to allow us, eventually, to get to the goal, once the technology is there, of a 100-percent integrated scanning program.

There is still work to be done to address security for other modes of transportation, such as rail and mass transit. But tonight we should take great pride in the great progress we have made in strengthening the security of our seaports.

Thank you, Mr. President.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H. Con. Res. 483, which the clerk will report by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 483) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized for 10 minutes.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that I yield 2 minutes to our friend from Delaware.

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

The Senator from Delaware.

SAFE PORT ACT

Mr. CARPER. Mr. President, I thank my friend for yielding to me.

While Senator COLLINS is still on the floor, I want to take a moment to say, Mr. President, if you go back 5 years ago and consider the tragedies that befell our Nation on September 11, it opened our eyes to the kind of threats we face with respect to the security of our air travel. It served to open our eyes, subsequently, with respect to the security of our ports, with the security of our chemical plants and the communities that are located around them. I think we have had our eyes opened to security threats that maybe face people who travel on our trains and our commuter rail systems.

We have seen all too well how inadequately—ineptly, really—FEMA responded to the Katrina and the gulf coast part of our country. I think most of us agree today we are better equiped now to fend off threats to the security of our air travel. And I think with respect to the security of our ports, with this legislation Senator COLLINS and Senator MURRAY have shepherded, which the Presiding Officer has contributed greatly to, we have made real progress; some would say maybe not enough, but I think everybody would say measurable, palpable progress.

I know there are folks who have been critical of the fact that we have not included the rail and transit provisions in this final conference report, which were included in our Senate-passed version. I wish they were there. We have a lot of people who travel on the rail and transit systems, with, I think, about 9 billion trips this year, and there is a threat to many of them—not all of them but to many of them.

But there is good work that has been done with respect to chemical security. FEMA has been overhauled, and I think maybe not transformed but I think significantly improved.

One of the constant threads within all of that has been Senator COLLINS, as the chairman of the Homeland Security and Governmental Affairs Committee. I just want to stand here tonight and say that this is yet another conference she has helped to direct and steer, as it comes to a conclusion. I commend her, and certainly Senator MURRAY, who has worked closely with her. I commend them and the Presiding Officer and others for the good work they have done.

I acknowledge we have some more work to do with rail and transit security. My hope is we will do that when we return next January.

Thank you very much. And I again thank my friend for yielding.

The PRESIDING OFFICER. The Senator from Michigan.

DEFENSE AUTHORIZATION

Mr. LEVIN. Mr. President, every year since 1961, there has been an annual Defense authorization bill enacted. This year—

Mr. WARNER. Mr. President, I wonder if the Senator would yield to me for a moment?

Mr. LEVIN. I would be happy to.

Mr. WARNER. For the purpose of putting in a quorum call.

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. LEVIN. 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. LEVIN. Mr. President, every year since 1961 there has been an annual Defense authorization bill enacted. This year, like the previous 44 years, conferees and staff have worked extraordinarily hard and cooperated on a bi-partisan basis to get us to this point in our deliberations on this bill that means so much to our country. The fact that we are keeping up our decades-long tradition is reason enough to be proud, but what I am even prouder of is the leadership that our chairman and my friend, Senator WARNER, has invested in getting us to this point.

This bill is essential to the men and women of our Armed Forces.

I am pleased that the conference report reflects Senate's longstanding commitment to a larger Army and Marine Corps. We authorized an increase of 1000 active duty marines for an authorized end strength of 180,000, 5,000 more than the administration requested. We also authorized an active duty end strength for the Army of 512,4000, 30,000 more than requested.

I am delighted that, after several years of fighting for it, we have finally been able to authorize the TRICARE health care benefit for all members of the Selected Reserve and their families for a reasonable premium that is 28 percent of the cost of the program. I am also pleased that the conference report prohibits the Department of Defense from increasing enrollment premiums for military retirees and cost shares for prescriptions filled through retail pharmacies while the GAO conducts an audit of the health care program and a Task Force completes a comprehensive assessment of the future of military health care.

The conference report also contains numerous other provisions to enhance the quality of life of our service members and their families, including: paying full replacement value for household goods lost or damaged in military moves; authorizing a total of $50 million in aid to local civilian schools, including $35 million in supplemental impact aid for schools with large numbers of military dependents, $5 million children with severe disabilities, and $10 million for schools affected by significant changes in military dependent students as a result of force structure changes, creation of new military units, and BRAC; and placing restrictions on payday loans to service members and their families.

The conference report also does not include a provision contained in the House Bill that would have provided that ''each [military] chaplain shall have the prerogative to pray according to the dictates of the chaplain's own conscience, except as may be limited by military necessity, with any such limitation being imposed in the least restrictive manner feasible.''

This is a lot more complicated issue than it seems at the surface. Military chaplains not only minister to members of their own faith group, they also minister to the needs of a diverse group of military members and their families, including those of other faith groups and those who claim no religious faith.

The military services respect the rights of military chaplains to adhere to the tenets of their respective faiths and give them virtually unrestricted discretion as to the content of their religious message when performing core ecclesiastical functions, including worship services, teaching, bible study, counseling, hearing confessions, preaching, and performing religious ceremonies. However, when performing functions at mandatory military events with multi-faith audiences, there is a longstanding military tradition of chaplains offering a prayer that demonstrates sensitivity, respect, and tolerance for all faiths present. Military chaplains are trained and expected to use good judgment when addressing pluralistic audiences at public, nonworship ceremonies, and they are never required to participate in religious activities inconsistent with their beliefs.

The Chiefs of Chaplains from each of the military services have advised us that, if enacted, the House provision would limit chaplain effectiveness and erode unit cohesion. They are concerned that commanders would no longer invite chaplains to pray at ceremonies where faith specific prayers might be offensive to members of other faiths who are required to participate. We have also heard from the National Conference on Ministry to the Armed Forces, an organization that represents the vast majority of military chaplains, and numerous other denominational and religious organizations that support military chaplaincy and respect religious freedom, who oppose the House provision.

The decision that this provision will not be included in the conference report is the right answer in light of the fact that neither the Senate nor the House has held hearings on this very important and complex issue.

Of course, we were not able to get everything we wanted in this conference. For example, I am very disappointed that we were not able to authorize federal pricing for prescriptions filled through the military's TRICARE retail pharmacy program.

Over my objections, the conferees agreed to a House provision regarding an existing settlement agreement between the Federal Government and two private parties regarding the removal of non-native animals from a national park on Santa Rosa Island, CA. This language is also strongly opposed by the two California Senators and by the Energy Committee, which has jurisdiction over this matter. This provision directs the Secretary of Interior not to take certain actions which were not the responsibility of the Secretary in the first place. Therefore, while I do not believe this conference agreement changes the legal obligations of the two private parties to this settlement, I believe this provision is unnecessary and misguided and that it should not have been included.

I am also disappointed that the conference report does not include the Akaka-Collins-Levin amendment on whistleblower protection. This amendment would have addressed gaps that have developed in the protection of federal employee whistleblowers since the enactment of the Whistleblower Protection Act of 1989.

However, the conferees did agree to a number of provisions designed to address wasteful practices and shortcomings in DoD management. These include: a provision prohibiting contractors who perform little or no work on a project from charging excessive ''pass-through'' fees to the Government; a provision prohibiting the ''parking'' of funds in a particular part of the Defense budget when the money is not really intended to be used for that purpose; a provision requiring contract oversight mechanisms for the acquisition of major computer systems, similar to the mechanisms already in place for the acquisition of major weapon systems; a provision limiting the use of cost-type contracts for the acquisition of major weapon systems; and a provision requiring that DOD hire and train government employees, in lieu of contractor employees, to perform critical acquisition functions.

I am also pleased that the conferees included a provision that would require a new comprehensive National Intelligence Estimate, NIE, on Iran. This provision also includes a requirement for the President to submit a report to Congress that would fully describe the U.S. policy on Iran.

The conference report also authorizes a responsible budget that tries to balance the need to support current military operations while continuing the modernization and transformation of our armed forces.

To support continuing operations in Iraq and the global war on terrorism, the conference report authorizes a $70

billion bridge supplemental for fiscal year 2007. Of this amount, $23 billion is devoted to ''reset'', that is, repair or replacement of Army and Marine Corps equipment, based on detailed requests provided by the services. The supplemental also includes a separate $2.1 billion account for the Joint Improvised Explosive Device Defeat Organization, JIEDDO, that is dedicated to countering improvised explosive devices.

The conferees agreed to an important provision that was sponsored by Senators MCCAIN and BYRD, with the unanimous support of the Senate, that would require the President to request funds for operations in Iraq and Afghanistan in the regular budget beginning with the fiscal year 2008 budget that will be submitted next February. I strongly supported this provision. This administration has misled the American people far too often with respect to the war in Iraq. I am pleased that we have taken a major step in this bill to at least make our budgets more honest in the future by including the substantial costs we know we are going to incur in Iraq and Afghanistan. In fiscal year 2006, those costs reached a staggering $10 billion per month. It is irresponsible to make decisions on spending and taxation without including these costs in our budgets, and in this conference report we are putting an end to that practice.

With the respect to the F–22 multiyear procurement authority, the conferees agreed to provide authority for the Air Force to enter a multiyear contract for three years, subject to a certification by the Secretary of Defense that the savings are ''substantial'' in view of historical multiyear contracts.

The conferees also adopted Senate legislation that requires the Secretary of Defense to initiate an independent assessment of available foreign and domestic active protection systems to assess the feasibility of their near term and long term development and deployment. Active protection systems could be placed on vehicles like Bradleys, Strykers, and tanks to shoot down incoming threats including rocket propelled grenades, RPGs, and mortars. These type of weapons represent a real and growing threat to our deployed forces.

In the area of nonproliferation programs, I am disappointed that the conference report does not include a Senate provision, authored by Senator LUGAR, to repeal all of the annual Cooperative Threat Reduction, CTR, certification requirements. These certifications have long outlived their usefulness and now only needlessly delay the CTR program. This conference report does include, however, a provision that would extend certain annual waiver authorities associated with destruction of Russian chemical weapons and fully funds the CTR programs at the Department of Defense at the budget request of $372.1 million.

Finally, the conferees authorized $11.7 billion for science and technology programs that will develop technologies to transform our military. This is an increase of $575 million over the budget request. This represents 2.7 percent of the DOD budget, still unfortunately falling short of the congressional and QDR goal of a 3-percent investment level.

On five other occasions, Senator WARNER has led us as chairman in producing an annual defense authorization bill for the President to sign. Unfortunately, because of the 6-year term limitation imposed on committee chairmen by the Republican conference, this is the sixth and last defense authorization bill that Chairman WARNER will shepherd through the process. He will have to step down as our chairman next year, but thankfully for the Nation and the Senate and for me personally, he will continue serving as a member of the Senate Armed Services Committee.

This year's process to produce a bill has been particularly difficult as people outside our conference sought to inject extraneous items into the conference. Throughout it all, Senator WARNER refused to allow such matters to be added—in the face of enormous pressure.

We all know that Senator WARNER has led a distinguished life of public service. He and I came to the Senate together in 1979 and we have served side by side on this committee continuously for the past 27-plus years. Defense authorization bills enacted over that entire period have always had JOHN WARNER's positive imprint on them.

Historically, our committee's chairmen—men such as Richard Russell and John Stennis and Sam Nunn—have been guided by one principle: Do what is right for our Nation and its military members. JOHN WARNER has followed in that fine tradition and we cannot thank him enough for it. It is very fitting that this bill is going to be named after my dear friend and our esteemed colleague, Senator JOHN WARNER. He is truly a man worthy of such a great honor.

I was keenly disappointed when the majority leader earlier tonight objected to this vital bill being acted upon. I'm hopeful that he will withdraw his objection before we adjourn, for the sake of the men and women in uniform and their families.

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

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

Under the previous order, H. Con. Res. 483 is agreed to, and the motion to reconsider is laid on the table.

The resolution (H. Con. Res. 483) reads as follows:

H. CON. RES. 483

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, September 29, 2006, Saturday, September 30, 2006, or Sunday, October 1, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Thursday, November 9, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; that when the House adjourns on the legislative day of Thursday, November 9, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, November 13, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; that when the Senate recesses or adjourns on any day from Friday, September 29, 2006, through Wednesday, October 4, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Thursday, November 9, 2006, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, November 9, 2006, on a motion offered by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, November 13, 2006, or Tuesday, November 14, 2006, as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

BORDER FENCING

Mr. SESSIONS. Mr. President, I want to make a few comments on the vote we had earlier tonight, 80 to 19, on a bill on border fencing along our southern border, where 1.1 million people were apprehended last year crossing that border. We have had a few comments, pro and con today, but there hasn't been a lot of debate. It represents the fourth time we voted on this issue. So we know pretty much what the debate is. I saw no reason to delay our departure tonight. Other matters are being settled as I speak now. I think it is appropriate to take a few moments to comment on it.

No. 1, of course, the fence is not the answer. There is no one answer to reestablishing a legal system of immigration in America, but that must be our goal. If we aspire to be a great nation, a lawful nation, it is absolutely critical that we have a legal system of immigration. We should not reward those

who come illegally, but we should be generous to those who choose to come legally and comply with our rules.

We are a Nation of immigrants. We will remain a Nation of immigrants. We will continue to allow people to come to our country.

I want to say that no one thinks that building barriers at the border is going to solve, by itself, our immigration problem. But it is an important step. If we have to take 10 steps to cross the goal line, this is probably two of the steps necessary to get there. There is no need to delay. We need to get started. It takes some time to accomplish it. Fences multiply the ability of our Border Patrol agents to be successful. We have seen that on the San Diego border. We have seen just how well it has helped bring down crime, how well the property values have surged on both sides of the border—an area that was lawless, crime ridden, and drug infested is moving forward with commercial development in a healthy way. That is just the way it is. There is not anything wrong, hateful, or mean-spirited to say that we integrated a lawful border system in America. The American people understand that.

Indeed, I say to my colleagues that the American people have understood fundamentally and correctly the immigration question for 40 years. They have asked Congress and they have repeatedly asked Presidents to make sure we have a legal system of immigration. But that has not been accomplished. We have not responded to those requests.

Now we have reached an extraordinary point in our history where we have over a million people apprehended annually coming in illegally, and probably, according to many experts, just as many getting by who are not apprehended. So it is time for us to confront and fix this problem.

Another critical step in enforcement—absolutely critical—and it is one that we can accomplish with far more ease than a lot of people think, is to create a lawful system at the workplace. It is not difficult, once we set up the effective rules, to send a message to all American businesses that they need a certain kind of identification to hire someone who has come into our country. If they don't have this legal document, they are not entitled to be hired. This will work. Most businesses will comply immediately when they are told precisely what is expected of them. But that has not been the case. They have not been told what is expected of them. They, in fact, have been told if they ask too many questions of job applicants, they can be in violation of the applicant's civil rights. So lawyers tell them don't ask too many questions.

Then you complain that they have hired illegals, and they say: They gave me this document, and I didn't feel like I could inquire behind it.

So it can work. If we tell our business community what is reasonably expected of them, they will comply with it. That will represent a major leap forward in enforcement. Then we have to ask ourselves what do we do about people who only want to come here to work, and we need their labor? I believe we can do as Canada and many other developed nations have done—create a genuine temporary worker program, a genuine program.

The Senate bill passed in this body that had a section called temporary guestworker. But there was nothing temporary about them. They could come for 3 years and bring their families and their minor children, bring their wives, stay for 3 years, and then extend for 3 years, and then do it again. After 6 years or 7 years, I believe, they could apply for permanent resident status, apply for a green card. Then a few years after that, they become a citizen. How temporary is that?

What Canada says is you can come and work for 8 months. A television show interviewed some people in Canada, and they said: I may stay 4 months or 6 months. They may come and go in the interim many times because they have an identifying card that allows them to come and go for a specified period of time. That could allow us to have the surge in seasonal labor that we need in agriculture and in some other areas. But the agricultural community and other areas that say they need temporary labor have to understand that they do not get to unilaterally set the Nation's immigration policy just so they can have the immigration level, the work level, they need. They don't have that right. They are not speaking for the national interest.

This Senate speaks for the national interest. We must set the policy. Yes, we have a large number of people who are here illegally. How many of those would want to stay permanently? I don't know. I know a number of them would. So I think we will reach the point—hopefully, we can do this next year—where we confront as a Congress that dilemma.

I say to my colleagues as a person who was a Federal prosecutor for many years, do not ever think that you can just grant amnesty to someone who violated the law and that will not have a corrosive effect on respect for law in our country. Granting an amnesty is a very serious thing. It is not something you can just do because you just feel like it, or you feel that is the right thing to do. We must think that through.

My personal view is that for people who have been here a long time and had a good record and have done well but came illegally, we ought to be able to figure out a way that they can stay here and live here. They should not be given every single benefit that we give American citizens, or people who come here legally; otherwise, what is the difference whether you came legally or illegally? Do you see the moral point here. You simply cannot do that and think it has no consequences on the rule of law. So we can reach an agreement on that. It is within our grasp, I suggest, to deal with that most difficult problem of how to deal with people who come to our country illegally.

Finally, the Nation's fundamental approach to immigration is fatally flawed. It makes no sense. It has been wrong for many years. Today, only 20 percent of the people who come into our country come in on any merit-based program. Most come in on relationships with someone already here. Many have come illegally and they obtained amnesty in the past. They look to do that again.

There are many other ways that people come here. But a very small percentage of the people who come to our country today come here as a result of having met certain qualifications that relate to education or job skills. That is not the right approach.

I have looked and met with the top Canadian officials. I met with and talked with top officials of the Australian Government to talk about their program. Both of those programs, and also New Zealand and the United Kingdom, to a lesser degree, France, and other countries are moving to what they call a point system. This is a system by which applicants are evaluated on what they bring to the nation. It is founded on a simple concept that those nations have decided is important to them.

The concept is this: Immigration should serve the national interest. How simple is that? In my committee of Health, Education, Labor, and Pensions, and in my Committee on the Judiciary, we have had a few hearings on this at my request in both cases. Very few Senators attended, frankly.

Repeatedly the witnesses would say: The first question you people in the United States, you policymakers need to decide is: Is the immigration policy you wish to establish one that furthers the national interest? If you want to further the national interest, then I can give you good advice. If your goal is to help poor people all over the world and to take the national welfare approach, then we can tell you how to do that. You have to decide what your best goals are. If your goal is simply to allow everyone who is a part of a family, even distant relatives, to come, if that is your No. 1 goal, we can create a system that does that. But fundamentally they tell us, when pressed, that an immigration system should serve the national interest.

Professor Borjas at Harvard wrote a book, probably the most authoritative book on immigration that has been written. The name of it is ''Heaven's Door.'' He testified at our committee hearing. He made reference to the fact that we have within our immigration system a lottery. This lottery lets 50,000 people apply to come to our country from various countries all over the world. We draw 50,000 names out, and they get to come into the country,

not on merit but just pure random choice.

It makes sense under the idea when it was originally created, which was we needed more diversity, we needed people from different countries, and this would give people from different countries a chance to apply.

Professor Borjas at the Kennedy School at Harvard, himself a Cuban refugee, came here at age 12, said 5 million people apply to be in that lot from which we would choose 50,000—5 million. So if we have 5 million applicants, I ask my colleagues, and we are attempting to serve the national interest, how would we choose from that 5 million if we could only select and allow in 50,000? How would we choose if we are serving the national interest?

I submit we would do what Canada does. We would say: Do you already speak English? How well? Do you have education? How much? Do you have job skills? Are they skills that we need in Canada? How old are you? Canada—I think Australia also—believes that the national interest is served by having younger people come because they will work longer and they will pay more taxes before they go on to the Medicare and health care systems in their older age.

Are those evil concepts? Isn't it true that we would want to have people come into our country who have the best chance to succeed? Or do we believe the purpose of immigration is simply to allow certain businesses that use a lot of low-skilled labor to have all the low-skilled labor they choose to have? A willing employer and a willing worker.

Professor Borjas says there are millions and millions of people all over the world who would be delighted to come here for $7 an hour, would love to and would come immediately if they could.

I was in South America recently. They had a poll in Nicaragua that said 60 percent of the people in Nicaragua said they would come to the United States if they could. I heard there was one in Peru where 70 percent of the people said they would come here if they could. What about all the other countries, many of them poorer? Many of them would have an even greater economic advantage to come to America than those people coming from Peru.

Obviously, more people desire to come than can come.

They would ask: I am sure you guys have talked about this as you dealt with comprehensive immigration reform; what did you all decide?

My colleagues, we never discuss this issue. We simply expand the existing program that this Government has that has failed and only 20 percent are given preference. We did add a program to give a certain number of higher educated people the right to come, but our calculations indicate that still only about 20 percent of the people who will be coming under the bill we passed will come on under a merit-based system. Canada has over 60 percent come based on merit. New Zealand I think is even higher than that.

What we want to do, of course, is select people who have a chance to be productive, who are going to be successful, who can benefit from the American dream. It is so within our grasp. I actually have come to believe and am excited about the concept that we actually could do comprehensive reform. We can fix our borders. We absolutely can. We have already made progress. We are reaching a point where we could create a lawful system at our borders.

In addition to that, we can confront the very tough choices about how to deal with people who are here illegally. And finally, we need to develop a system for the future flow of immigrants into America.

I believe the columnist Charles Krauthammer said we should do like the National Football League does. We ought to look around the world at the millions of people who would like to come to the United States and pick the very best draft choices we can pick, pick the ones who will help America be a winning team. It will allow people to come into this country who are most likely to be successful, who speak our language, who want to be a part of this Nation and contribute to it, who have proven capabilities that means they can take jobs and be successful at them and can assimilate themselves easily into the structure of our Government.

It is exciting to think that possibility is out there. Yes, we have been talking about the fence and, yes, the fence can be seen as sort of a grim enforcement question, but it is one part of the overall effort that we are participating in at this point to create a new system of immigration, comprehensively different than we have ever had before, one that serves our national interest, one that selects the people who want to come here based on their ability to succeed in our country and be successful and be harmonious and be able to take advantage of the great opportunities this Nation provides.

It is so exciting to me, but we are going to have to let go of the bill that got through this Senate and that the House of Representatives would not even look at. The bill was nothing more than a rehash of current law, plus amnesty. It was a very, very, very bad piece of legislation. A lot of people voted against it, but it passed in this body. The House would not talk about it.

If we would take our blinders off and if we would go back and think clearly about how our Nation should do immigration and talk to one another, I believe we can make more progress than people realize, and the American people could be proud of our system.

I asked the people in Canada, and I asked the people in Australia: How do people feel about this? Are they happy with it? Yes, they are proud of it.

I said: What do you think about us talking about your program?

They said: We are proud you are looking at our program. We think it works. It is a compliment to us that you think there may be some value in it.

I don't know why we never talked about that. We never had a single hearing in which the Canadians or Australians were asked to testify. These are countries that believe in the rule of law. Both of them say they have a high degree of enforcement. Yes, there are people who abuse the law, but they have a legal system and it works.

Canada has workers who come and work for 8 months, and they go back home to their families. They can work 6 months; they can work 4 months. That is a temporary guest worker program. Then they have an asylum program where they take a certain number of people, like we have always done, who have been persecuted and oppressed. We will continue to do that. That is not a merit-based system. That is a system where we do it for humanitarian reasons.

Fundamentally, the principle of our Nation, as we develop a new immigration policy, should be to serve our national interests. I believe we have that within our grasp.

This step of building border barriers is important for two reasons: One, it is critical to creating a lawful system. No. 2, it is critical to establishing credibility with the American people because they rightly doubt our commitment, based on history, to do the right thing about immigration. They doubt that we are committed to doing the right thing. This is a good step to show them that we are, and then I think as we talk about some of these more difficult issues, we can have some credibility with our people when we ask them to make some tough decisions about how to handle immigration in the future.

Mr. President, I thank you for the opportunity to share these thoughts.

A LESSON IN CHERRY-PICKING AND POLITICIZING OUR NATION'S INTELLIGENCE: THE TERRORISM NIE DECLASSIFIED

Mr. HATCH. Mr. President, with the President's recent declassification of the Key Judgments of the April National Intelligence Estimate, NIE, on Terrorism, the American public can get from the Democrats an object lesson in perfect irony.

For years, the Democrats have accused the Bush administration of cherry-picking intelligence to lead the country to war in Iraq. Yet here they are cherry-picking intelligence out of this report to make a media circus right before the upcoming election.

First, let me define what I mean by ''cherry-picking.'' This refers to a selective use of intelligence to make a politically persuasive argument. It is a

deliberate misrepresentation of a larger, often ambiguous body of intelligence reporting.

From my perspective, the Democrats' politicization of our Nation's intelligence is not a pretty picture. NIEs are the top-line product of the entire intelligence community.

They are supposed to be regarded as serious, substantive, consensus analysis for top policymakers. NIEs are one of thousands of intelligence products we review on the Intelligence Committee. I am on that committee, first ranking on that committee on the Republican side.

Please recall that the Democrats accused the Republicans and the Bush administration of cherry-picking intelligence prior to the Iraq war.

The Senate Select Intelligence Committee's comprehensive review of the prewar Iraq intelligence was concluded in July 2004 and made available to the public in a detailed 500-page report. It was unanimously supported by Democrats and Republicans of the committee. It was thorough. It pulled no punches. It was highly critical of the systematic failure of our intelligence on Iraq. Our faulty intelligence, as the world knows, was similar to the faulty intelligence of all of our allied partners.

The committee's report clearly shows, however, that there was no cherry-picking of intelligence because nearly all of the intelligence was bad, and there was no finished intelligence that contradicted the faulty conclusions our intelligence community reached before the war.

Recall also that the Democrats have regularly charged the Bush administration with politicizing intelligence, implying that intelligence was manipulated for political reasons. For example, they suggested that Vice President CHENEY's visit to the Central Intelligence Agency prior to the Iraq war pressured analysts toward particular conclusions. The July 2004 report, which was based on hundreds of hours of interviews with all these analysts, concluded that no such politicization took place. The intelligence was lousy, but it wasn't cooked.

Now comes the latest little circus by many Democrats and many in the media in a prepared campaign to manipulate a fragment of a leaked classified document.

Putting aside for the moment the underlying question of whether the Iraq war made us safer—a point I will address shortly—the Democrats claimed over the weekend and earlier this week that the NIE proved their point that the Iraq war had made the terrorists stronger and therefore the United States more vulnerable.

Here are the sentences they quoted as proof:

> We assess that the Iraq jihad is shaping a new generation of terrorist leaders and operatives; perceived jihadist success there would inspire more fighters to continue the struggle elsewhere.

> The Iraq conflict has become the cause celebre for jihadists, breeding a deep resentment of U.S. involvement in the Muslim world and cultivating supporters for the global jihadist movement.

This is the sentence the Democrats quoted as proof of their critique of the Iraq war.

Let us be honest: The sentence is true. But let us be even more honest—and this is distinctly where the Democrats are being deliberately dishonest—the sentence is out of context and ignores other parts of the NIE, such as the very next sentence, which reads:

> Should jihadists leaving Iraq perceive themselves, and be perceived, to have failed, we judge fewer fighters will be inspired to carry on the fight.

Can we be honest and admit this sentence is true as well? And can we recognize that the only way we prove this second sentence is to sustain the fight in Iraq until we have achieved security and stability that can be maintained by the Iraqis themselves?

This has been a classic exercise in spin, cherry-picking, and politicization of intelligence, and it stinks.

The Democrats spun this story all weekend, knowing that responsible members of the Bush administration and the Republican Congress could not respond without participating in leaking a classified document. The Democrats cherry-picked sentences and deliberately used them out of context. They conducted this exercise for purposes of supporting their antiwar agenda, in an example of egregious politicization of this Nation's valuable intelligence process.

As my colleague on the Intelligence Committee, Senator BOND, has said:

> It is time to hit the baloney button.

We are conducting a war different from any in our Nation's history. One of the unique aspects of this war against global terrorism is the unprecedented reliance we place on our intelligence community.

As a member of the Intelligence Committee, I am dedicated to supporting this function of our foreign policy, even when that has included criticizing systematic failures in collection and analysis, as we did with our phase I report released in July 2004. Every day, we see examples that the intelligence community's capabilities have improved as a result of the lesson learned from that review. Republicans like myself have criticized the intelligence community with the focus on improving it and have done our best to support it in its vital function in this war in which we are engaged today.

As we have just seen, Democrats cook this Nation's intelligence, callously undermining its importance and function. To win a war, you need will, but you also need function.

''Is the U.S. safer as a result of our invasion of Iraq?'' is a central policy question, one that could have been more honestly addressed without an exercise in cherry-picking and cooking intelligence.

I always thought that if you have to address an argument dishonestly, your position must be weak.

Are we safer as a result of our invasion of Iraq? There is the assessment of the war situation now and the strategic answer. The NIE is correct that the Iraq war has opened the battlefront for the global jihadists in Iraq. We knew this before the NIE was published last April, of course. And we read that last April. I have seen no Bush administration official deny this. In fact, General Abizaid in Washington last week was blunt about this: We are battling these jihadists in Iraq today. And when we defeat them, that defeat will be felt throughout the global jihadist movement.

If we follow some Democrats' advice to withdraw, we will give the global jihad movement another Somalia. Our withdrawal from Somalia in 1993 gave bin Laden his first propaganda point. He concluded that the Americans are weak, vulnerable, and easily defeated.

As far as strategic assessment, I believe the Iraq war has made us safer.

On September 20, 2001, the President addressed the Congress, the Nation, and the world in his first major policy address after the attacks of September 11. He articulated a new antiterrorism policy, one that had not existed up to that point, one that had not been put in place under the previous administration.

From that point on, President Bush said we would go after all terror groups within global reach; we would no longer wait for them to attack us. The President put all nations that harbor terrorist organizations on notice. Iraq was one of these nations. Iraq did not support al-Qaida and was not involved in 9/11, but it had a decades' long history of supporting terrorists, a view no one in Congress disputed.

The rationale for Iraq has been criticized and exposed, but one fact remains clear: When we took down the Saddam regime, from that day on, no regime in the world could conclude that they could harbor terrorists without risking consequences. By invading and deposing Saddam, we demonstrated to the world our resolve. Had we not done so, based on the empty threats and actions of previous administrations, nations entertaining terror links could doubt our resolve. From the day we acted to take down Saddam, we showed the world our intent behind our words. Today, no Nation can doubt this. And in this very real sense, America has been made safer. We need to finish the job in Iraq.

As I have said, that requires the functions of our foreign policy apparatus to be fully supported—diplomacy, military, economic, and intelligence. I am dedicated to providing this support, positively but not uncritically. We also need will. After last weekend's episode of cooking intelligence for political purposes, I question what such an exercise is intended to achieve when it comes to maintaining our will.

TRIBUTE TO WILLIAM BAKER WOOLF

Mr. STEVENS. Mr. President, today I recognize the accomplishments and efforts of Bill Woolf, a longtime Senate staffer and tireless advocate for Alaska's interests. Bill will retire at the conclusion of this Congress and move to his family home on Marrowstone Island in Washington State.

For nearly 30 years, Bill has been an advocate for and friend to Alaska's fishermen. A former resident of Juneau, he began work in 1977 at the Alaska Department of Fish and Game. In 1983, Bill moved on to the Alaska Seafood Marketing Institute, where he became familiar with our State's fishing industry. Bill quickly established a far-reaching bond with those affected by and working in this important industry.

For the past 20 years, Bill has worked in the U.S. Senate as a legislative aide—serving on the staffs of both Frank Murkowski and Senator LISA MURKOWSKI. Staff members like Bill are the backbone of this institution. They meet and work with the administration, State officials, and constituents, and they help those elected to Congress pursue initiatives which will serve their State and our Nation well.

During the two decades that he has worked in the Senate, Bill has been a vigorous advocate for the people and communities of Alaska. Those who have worked with him have the deepest respect for his commitment and contributions.

On behalf of our Alaska congressional delegation and all Alaskans, I extend our appreciation to Bill for his service. We wish him the best in his future endeavors.

NATIONAL COMPETITIVENESS INVESTMENT ACT

Mr. STEVENS. Mr. President, I come to the floor to join more than 35 of our colleagues in support of the National Competitiveness Investment Act.

Our country's success is the direct result of our advancements in science and technology. Throughout our history, our scientists and engineers have created new industries—and their efforts have ensured our country's competitiveness in the global economy. Two key reports now raise serious concerns about our ability to continue this tradition.

The ''Innovate America'' report by the Council on Competitiveness and the National Academies' ''Rising Above the Gathering Storm'' report, also known as the ''Augustine Report,'' both conclude advancements in science and technology are our country's best hope for the future. They identify serious problems with our efforts in these areas. Sadly, this week the World Economic Forum announced our country has dropped from first to sixth place in its ''global competitiveness index.''

Our comprehensive legislation addresses several of these issues, and all of us owe a great debt to Senator ENSIGN, who has shown tremendous leadership in the drafting of this bill. As the new chairman of the Commerce Committee, I asked Senator ENSIGN to chair our Subcommittee on Technology, Innovation, and Competitiveness. Over the past 2 years, he has held a series of hearings on this issue. He also introduced S. 2802, the American Innovation and Competitiveness Act, which the Commerce Committee passed without opposition in May. Senator ENSIGN has worked on a bipartisan basis with our colleagues on the HELP and Energy Committees.

This act is the culmination of these efforts. It will help our country remain competitive by increasing Federal investment in basic research and improving student opportunities in science, technology, engineering, and math. This bill also develops the infrastructure we need to foster innovation in the 21st century.

While this bill alone will not solve all of our challenges, it is an important first step.

I urge each of our colleagues to cosponsor this legislation and vote in favor of its passage.

Mr. FRIST. Mr. President, the Child Custody Protection Act prohibits taking a minor child across State lines for an abortion in circumvention of a State law requiring parental notification or consent in that child's abortion. And it gives the victims of our imperfect legal system a means of restitution.

This legislation also protects the integrity of State parental notification laws, and helps ensure that they are honored. Without it, State laws regarding parental notification and consent for a minor's abortion can be flouted with impunity.

Right now, some abortion clinics even advertise to minors living in neighboring States with parental notice and consent laws.

Right now, we are increasing our pregnant minors' vulnerability to health complications. Patients receiving abortions at out-of-state clinics are less likely to return for followup care. And a teenager who has an out-of-state abortion without her parents' knowledge or consent is even more unlikely to tell them she is having complications.

At its core, this bill is about protecting a minor's health and protecting her from exploitation. It is about respecting and honoring State laws. And it is about ensuring parental involvement in the life-or-death decision of their child.

Forty-four States have already seen the grim irony in the fact that teenage students can't go on a field trip or receive aspirin from the school nurse without parental consent, but a young girl can flout State laws and have an abortion—a major surgical procedure—without informing her parents.

This bill helps parental notification and consent laws remain enforceable and meaningful, and it keeps in place all judicial bypass options and waiver provisions that States have enacted to accommodate young girls who come from troubled or abusive homes.

This simple, straightforward legislation was already passed by the Senate in July by a vote of 65 to 34. It received overwhelming bipartisan support. I am pleased that 14 of my Democratic colleagues, including the Senate minority leader, chose to join me and its sponsor, Senator ENSIGN, in support of this important bill. And I believe this legislation was further improved by the adoption of the Boxer-Ensign amendment, which strengthened provisions pertaining to minors who are caught in abusive home situations.

So it was a disappointment when this legislation was blocked from going to conference by a parliamentary maneuver by my colleagues from across the aisle. On multiple occasions, we sought to go to conference with the House on this legislation, only to have this routine procedural move obstructed.

I would like to commend the work of the bill's sponsor, my colleague JOHN ENSIGN. I am glad that the House chose to pick up this legislation and pass it with instructions.

I believe it is important to pass this legislation, which has the approval of around 80 percent of the American public and is supported on both sides of the aisle. It protects underage minors. It respects and protects parental involvement in the life-or-death decisions of their child. And it prevents the violation of State laws. It should not be allowed to be blocked. I hope my colleagues will join me in voting for S. 403, the Child Custody Protection Act, and passing this long-obstructed, overwhelmingly supported, commonsense legislation.

NATO FREEDOM CONSOLIDATION ACT OF 2006

Mr. FRIST. Mr. President, for more than 50 years, the North Atlantic Treaty Organization has served as a force for stability, security, and peace in Europe. It remains the foundation of security on the Continent and the cornerstone of U.S. engagement in Europe. Today it is the key institution helping to secure a Europe that is whole, free, and at peace.

Not only is it the most successful alliance in history, but NATO has also contributed to the democratic transition of our former adversaries in Central and Eastern Europe by fostering the development of new, strong, and democratic allies capable of contributing to our common security goals. NATO's enlargement over the past decade has strengthened the strongest alliance in history and helped spread democracy and liberty. For this reason, it is essential that we keep the door to NATO accession open for others.

Today, I am proud to introduce the NATO Freedom Consolidation Act of 2006, along with Senators LUGAR,

BIDEN, SMITH, and MCCAIN. This legislation expresses the Senate's support for the accession of Albania, Croatia, Georgia, and Macedonia to NATO.

I welcome the progress made by these countries in implementing the political, economic, and military reforms needed to qualify for NATO membership. Each of these countries has made substantive contributions to peace and stability in the region and has expressed a desire for closer affiliation with this institution.

Albania, Croatia, and Macedonia have already made tremendous strides in implementing their National Programs under NATO's Membership Action Plan. The MAP remains the key vehicle for NATO to review and assess the readiness of each aspirant for full membership. I am confident that these three countries will continue to progress toward the goals pursued through the MAP, and I look forward to future reports of each country's progress.

Georgia is also coordinating its reform efforts with NATO members to meet the criteria for eventual membership in the Alliance. NATO recently announced the launching of an intensified dialogue with the Georgian Government. The United States stands ready to assist the Georgian people as they continue their reform efforts.

In addition to expressing the Congress's support for their eventual NATO membership, this legislation also designates Albania, Croatia, Georgia, and Macedonia as eligible to receive assistance under the NATO Participation Act of 1994. To underscore this commitment, it authorizes security assistance in the amount of $3.2 million for Albania, $3 million for Croatia, $10 million for Georgia, and $3.6 million for Macedonia.

Previous rounds of NATO enlargement have shown that the expansion of this great alliance benefits not only the new members but the alliance itself. Albania, Croatia, Georgia, and Macedonia stand to gain as much from NATO membership as the current Allies do from their accession.

The United States cannot build a safer and better world alone. The support of our NATO allies and the strengthening of the alliance are essential in the global war on terrorism. The alliance will be critical in successfully dealing with the mutual challenges we will face in the years ahead.

The United States will continue to work with these countries to institute the reforms necessary for NATO membership. I urge my colleagues to support this bipartisan legislation. And I look forward to the day when Albania, Croatia, Georgia, and Macedonia become America's NATO allies and the most successful alliance in history becomes even stronger.

TRIBUTE TO MR. THOMAS KUSTER

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a dedicated first responder, Mr. Thomas Kuster. A former Louisville fire chief, Mr. Kuster made Kentucky his home after being stationed with the Army at Fort Knox. He began his service to the Commonwealth of Kentucky by joining the Louisville Fire Department in 1957; he quickly rose through its ranks and was appointed fire chief in 1976.

While serving as Jefferson County judge-executive, I was pleased to name Mr. Kuster to head the county's fire protection in 1980. Years later, he would finish his long career of public service as Louisville's public safety director, supervising the city's fire and police departments, EMS, and health programs.

Earlier this month, Mr. Kuster passed away, and the Commonwealth of Kentucky lost a loyal public servant. The Louisville Courier-Journal published an article highlighting Mr. Kuster's career and dedication to the safety of his fellow man. I ask that the full article be printed in the CONGRESSIONAL RECORD and that the entire Senate join me in paying respect to this honored Kentuckian.

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

[From the Louisville Courier-Journal, Sept. 12, 2006]

THOMAS KUSTER, FORMER LOUISVILLE FIRE CHIEF, DIES

(By Paula Burba)

Retired Louisville Fire Chief Thomas Kuster, who also served as Louisville's public safety director and Jefferson County fire protection administrator, died Saturday at Baptist Hospital East: He was 69.

''Tom was a fireman's fireman, a true gentleman who cared about public safety. He dedicated his life to protecting the people of Louisville,'' Louisville Mayor Jerry Abramson said in a statement yesterday.

A native of Newark, Ohio, Kuster was stationed at Fort Knox for three years and decided to stay in Kentucky. He joined the Louisville Fire Department in 1957 shortly after leaving the Army. He was promoted to lieutenant in 1964, captain in 1966, district chief in 1970 and assistant chief five years later.

He was appointed fire chief in 1976 by Mayor Harvey Sloane and served in that position until 1979, years that included the last strike by the city's firefighters.

''He held things together,'' said Capt. Paul Routon, current president of the firefighters Local 345. ''I think he was the right guy at the time for it. When we came back to work, his stance was 'Let's put this behind us and move forward.' I think he did it.''

''Philosophically, I'm management,'' Kuster said in July 1978 when firefighters had finally voted to end the 95-hour strike—during which he had slept about six hours and responded to fire runs with other non-union supervisors and members of the National Guard. At the same time, Kuster said, ''I understand, or feel like I understand their [striking firefighters'] position.''

City officials praised his leadership, while firefighters on the picket lines shook his hand.

''He didn't demand respect. He knew how to get respect,'' Assistant Chief Randy Winstead said yesterday.

Winstead described Kuster as ''real regimental, real serious'' and credited Kuster's acceptance of ''social change'' as one way ''he turned the fire department around.''

''You look at (photos of) all the other chiefs,'' Winstead said, ''they all look like your grandfather. Except there's Tom with sideburns and long hair.''

He was also the first chief to allow firefighters to wear T-shirts instead of uniform shirts inside the firehouse, Winstead said.

Kuster resigned as fire chief in 1979 after successfully resisting several efforts, according to newspaper stories, by Mayor William Stansbury's administration to demote several assistant chiefs for what he saw as political reasons.

Kuster worked in administration at the Louisville Water Co. until then County Judge Mitch McConnell chose him to head the county's fire protection in 1980.

In 1983, Kuster accepted a job as fire chief in Raleigh, N.C., where he served until 1985.

He returned to Louisville as the first department head named by Mayor-elect Abramson in 1985. He was appointed Louisville's public safety director, overseeing the police and fire departments, EMS and health programs. He held that position until 1993.

''Louisville will always be grateful for Tom's public service,'' Abramson said.

TRIBUTE TO LAJUANA WILCHER

Mr. MCCONNELL. Mr. President, I rise today to honor LaJuana Wilcher, a Kentuckian who nobly served the Bluegrass State as secretary for the State's Environmental and Public Protection Cabinet, EPPC.

Appointed by the Governor in 2003, Ms. Wilcher will step down as Kentucky's top environmental regulator at the end of this month. As secretary for the EPPC, Ms. Wilcher oversaw many of Kentucky's regulatory agencies, including those that regulate the environment, coal mining, horse racing, banking, insurance, occupational safety and health, workers' compensation, housing, alcoholic beverage control, charitable gaming, and professional boxing and wrestling.

Before serving in the Governor's cabinet, Ms. Wilcher had over three decades of experience in environmental and natural-resources issues. She served in President Ronald Reagan's administration as a biologist and environmental lawyer with the U.S. National Park Service. And under President George H.W. Bush, she served as the Environmental Protection Agency's Assistant Administrator of Water.

Known for being a straight shooter who got things done, Ms. Wilcher dealt with the worst mine disaster in Kentucky in the past 16 years and pushed for tougher mine-safety legislation that was passed by the Kentucky General Assembly. She also spearheaded changes to Kentucky's horse racing industry when she instituted drug testing for horses.

Mr. President, I wish Ms. Wilcher well as she returns to her law practice in Bowling Green, KY. I ask my colleagues to join me in thanking her for her dedicated service to the Commonwealth of Kentucky and her Nation. She is a true steward of our environment.

DOMESTIC VIOLENCE AWARENESS MONTH

Mr. REID. Mr. President, I rise today to recognize October as Domestic Violence Awareness Month. By bringing attention to this serious issue, I hope that we can make progress to break the cycle of violence.

Not long ago, in communities across Nevada and our Nation, domestic violence was a problem that was kept silent. Fortunately, by raising awareness of this issue, we are making great progress in breaking that silence. Today, we can see notable progress in recognizing this problem as an epidemic that affects every community. Still, there is much work to do to heal the wounds and end the violence.

Each year, more than 32 million Americans are affected by physical, sexual, or psychological harm. Sadly, much of this harm occurs at the hands of those they should be able to trust the most—current and former partners and spouses. Twenty-nine percent of women and 22 percent of men will directly experience harm from domestic violence during their lifetime. Many experts think that these numbers are drastically underrepresentative as well because many victims do not report these crimes.

That is why we must do more. We can address the problem by supporting shelters and organizations with our financial resources and our time. In Nevada, for instance, domestic violence centers report lengthy waiting lists—for space in the shelter, for treatment programs for batters, and for victim counseling. Many shelters lack sufficient provisions like personal care products, clothing, and children's and medical supplies.

We must also dispel the myths surrounding domestic violence. It does not discriminate. Its perpetrators hide behind many different faces. Its victims answer to many different names. Domestic violence crosses all racial, economic, and societal barriers. It affects the strong as well as the weak.

Of course, my home State of Nevada is not immune from the tragic effects of domestic violence. I would relate the story of Ana Outcalt, who was murdered at the hands of her boyfriend, even after she had obtained a restraining order against him. Ana's sister, Maria, tells this story whenever she gets the chance in the hope that she may be able to help others.

I am proud to report that many other individuals and organizations in Nevada are working passionately this month to increase understanding of this devastating problem. On October 12, 2006, for example, Safe Nest will be holding an interfaith candlelight vigil in Las Vegas to celebrate survivors of domestic violence and remember its victims like Ana Outcalt. On October 21, 2006, the Family Development Foundation will be hosting its Community United for Healthy Families event, which is open to the public free of charge. On October 23, 2006, S.A.F.E. House in Henderson, NV, is holding its annual golf tournament with all proceeds benefiting the organization.

I have been a longtime supporter of legislation aimed at eradicating violence from our Nation's homes, including the Violence Against Women Act. But I encourage Members of this body and Americans nationwide to do more. We should all view Domestic Violence Month as an opportunity to help prevent this problem.

Today, I am pleased to recognize Domestic Violence Month and the efforts of many organizations across Nevada who work to stop the violence in our communities. Together, we can make a difference on this important issue and break the cycle of violence.

100TH ANNIVERSARY OF THE NEVADA NORTHERN RAILWAY

Mr. REID. Mr. President, I rise today to recognize the centennial of the Nevada Northern Railway. September 29 marks the 100-year anniversary of the completion of the railway from Cobre to Ely, NV. Numerous events are planned at the Nevada Northern Railway Museum this weekend to commemorate this special day, including a reenactment of the driving of the Copper spike, which originally signaled the completion of the Nevada Northern Railway to Ely, NV.

Nevada's early growth as a State would not have been possible without our Nation's mighty railroads. Towns like Ely changed from sparse camps to real towns when tracks were laid into areas that were previously accessibly only by horse or on foot. In 1904, the Nevada Consolidated Copper Company brought Nevada Northern Railway to life in order to move valuable copper ore that had been discovered in the region. And with that new connection to the outside world, a new chapter began in the life of Ely and of all the communities in eastern Nevada.

During its 77 years of service the Nevada Northern Railway carried ore, passengers and express deliveries between Ely, Cobre and McGill, but in 1983 the operation was closed and the railway stood still. Since that time, the people of Ely have worked to preserve this unique part of their history. Through the efforts of countless volunteers and staff they have turned this once vacated railway complex into a unique enterprise and popular destination for railroad enthusiasts and history buffs alike.

One of the most distinct aspects of the Nevada Northern Railway is that the original buildings, equipment, rolling stock and the majority of the company's early paper records still survive today. Walking through the Machine Shop and Engine House one can still find safety signs and employee notices that were posted on the wall duiing the presidency of Franklin Delano Roosevelt.

I was so pleased, Mr. President, to see the Nevada Northern Railway designated as a National Historic Landmark this week—just in time for the centennial celebration. This designation is the highest such recognition accorded by our Nation to historic sites and will place the Nevada Northern Railway in distinguished company. This recognition is well deserved.

I thank all those who have made this listing possible—the National Park Service, Secretary of the Interior Dirk Kempthorne, the staff and volunteers for the Nevada Northern Railway, the people of Ely, Ron James, the Nevada State Historic Preservation Officer, and many others.

The Northern Nevada Railway is an incredible asset for Nevada and the Nation. Hundreds of people will gather in Ely this weekend to talk about the past of this great site and to lay plans for the future. I wish them well, and I share their appreciation for this incredible piece of Nevada's history.

COMMENDING CHIEF JUSTICE ROBERT E. ROSE

Mr. REID. Mr. President, I rise today to recognize an exceptional member of my community and a close friend, Nevada Supreme Court Chief Justice Robert E. Rose. Justice Rose has been a tremendous asset to Nevada as a longstanding member of our legal community and, for the past 18 years, a Justice of the Nevada Supreme Court.

Justice Rose was recently recognized for his outstanding commitment to civil liberties. The American Civil Liberties Union of Nevada presented Chief Justice Rose with the Emilie Wanderer Civil Libertarian of the Year Award. The award, named after one of the first women admitted to the Nevada Bar Association, is given in honor of career achievement in the area of civil liberties and reflects the collective decision of representatives of Nevada's criminal defense, civil liberties, civil rights attorneys, and civil rights activists.

Chief Justice Rose is a worthy recipient of this award, and it is fitting that he should be recognized for his accomplishments to promote justice in Nevada. Serving three times as Chief Justice of the Nevada Supreme Court, he has a reputation in the legal community and on the Court as a reformer. Among the ways Justice Rose promoted the rule of law in Nevada, are the Nevada Jury Improvement Commission and the Blue Ribbon Judicial Assessment Commission. The Assessment Commission conducted a broad study of the judicial system and recommended improvements; many of those improvements have greatly advanced the Nevada justice system.

During his legal career in Nevada, spanning from his days as a law clerk for the Nevada Supreme Court to his present position as a three-term chief justice of the court, Justice Rose has had a profound impact on Nevada. He was my successor as Nevada's lieutenant governor, and his work presiding

over the Nevada Senate was outstanding. His efforts as a judge to improve our legal system and his pursuit of fairness and justice have benefited every individual in my State.

In closing, I feel privileged to have Bob Rose as a friend. I appreciate all that he has done for Nevada, and know that he will continue working to protect the rights of the citizens of our State.

RECOGNIZING THE NEVADA NEWSPAPER HALL OF FAME

Mr. REID. Mr. President, I rise to recognize the newest members of the Nevada Newspaper Hall of Fame. This month, the Nevada Press Association inducted Frank, Tony, and Ted Hughes into the Hall of Fame for their contributions to journalism in Nevada.

For more than 75 years, the Mineral County Independent News has provided the small town of Hawthorne with valuable news and information about their community. For more than 50 of those 75 years, the Hughes brothers have used their skill for journalism and hometown pride to make the Independent News thrive.

Each of the Hughes brothers started at the Independent News at an early age. Tony Hughes was a paperboy. He would later sweep floors and fold papers on the weekends. Soon after his graduation from high school, Tony was hired full time.

While Tony was the first member of the Hughes family to join the paper, his brothers would soon follow. Frank and Ted Hughes joined Tony to help run the printing presses, sell advertisements and shoot photographs. Today, the brothers manage the day-to-day operations of the Independent News, and each is responsible for writing stories and reporting on the Community.

As I have expressed, the Independent News is a true family business. The paper has a total of four employees. Frank, Tony, and Ted are helped by Heidi Bunch, a receptionist who manages the office.

In an age of large media conglomerates and corporate news, it is refreshing to get the local community angle from the Independent News. Every Thursday, the residents of Hawthorne look to the Independent News to read about community events at local churches, the American Legion, and Schurz Elementary. Subscribers can also read about the local Serpents' football or basketball game as well as view important announcements about the Mineral County school system.

One of the most interesting features to me, though, is the paper's ''Reflections on the Past.'' There you can view a summary of the events in Hawthorne from 20,50, and even 70 years ago. It is an amazing collection of Northern Nevada's rich culture and history.

All of this success is a direct result of the Hughes family. Without their hard work and dedication, this local paper might not be in existence today. I am pleased that Tony, Frank, and Ted Hughes have been recognized for their excellence in journalism, and I am proud to have the opportunity to pay tribute to them before the Senate today. I look forward to continuing to read the Independent News for years to come.

DARFUR PEACE AND ACCOUNTABILITY ACT

Mr. DURBIN. Mr. President, for over 3 years, genocide has been the order of the day in Darfur. For nearly as long, from pulpits, from street corners, from the world's editorial pages, from the floor of Congress, from the rostrum of the United Nations, and from the White House, people have decried the killing. But we haven't stopped it.

Today Darfur is on the edge of an abyss, teetering on the rim of even greater catastrophe. Unknown numbers have been killed, raped, and butchered. Millions of people have been driven from their homes. An estimated half a million people are beyond the reach of humanitarian aid today.

Humanitarian groups themselves are under attack and many are pulling back.

The Khartoum Government is reportedly engaging in indiscriminate bombing and massing forces in the region.

The U.N. Security Council has passed a resolution authorizing a 20,000 person peacekeeping force, but the Khartoum Government continues to reject it and to deny the deaths of hundreds of thousands of its citizens and endanger and threaten hundreds of thousands of others.

Now all of us who have spoken out have an obligation to do what we can to make that peacekeeping mission a reality, to help bring an end to genocide.

For the third time now, the Senate has passed a Darfur Peace and Accountability Act. I was an original cosponsor of the first of these bills and continue to support and work toward enactment of this important legislation.

This bill will impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity; will support measures for the protection of civilians and humanitarian operations; and will support peace efforts in the Darfur region.

Those efforts are in grave jeopardy. The hopes to see the Darfur Peace Agreement between the Khartoum Government and one of the opposition groups implemented, enforced, and expanded have not been fulfilled.

We must do all that we can to ensure that the peacekeeping mission authorized by the nations of the world through the United Nations under U.N. Security Resolution 2706 is deployed as soon as possible. This mission will build on the efforts of the African Union and will include African forces at its core.

The Darfur Peace and Accountability Act supports these measures. Consistent with the goals of this bill, a number of States have already acted to do their part to stop genocide.

My home State of Illinois was the first to enact a law suspending State investment in companies that conduct business in Sudan or with the Sudanese Government. The law mandates the divestment from all Illinois State Pension Systems of securities issued by any company doing business in Sudan and prohibits the State from investing in foreign government bonds of Sudan.

Illinois is following a tradition established during the campaign against apartheid in South Africa. Like that campaign, the Illinois law is a public expression that the citizens of my State and others that have passed similar legislation do not want to be party to supporting a foreign government that preys upon its own people. It is both symbolic and very tangible: the people of Illinois are choosing how they will invest their money. That is an act very much within their rights, and I salute their efforts.

Passage of the Darfur Peace and Accountability Act is an important and overdue step. But we must do more to ensure that the United Nations peacekeeping mission is implemented: the people of Darfur need UN boots on the ground, and the world must live up to its promises to end the genocide.

Mr. OBAMA. Because Senator DURBIN has hit the major points, I will simply say that the atrocities in Darfur are a moral and humanitarian emergency, and the people of the United States should be searching for effective tools to help end this violence and bloodshed. While not the only answer, I believe that divestment by individual States can be a part of the solution—it certainly was so during the fight to end apartheid in South Africa.

I strongly support the provision in the House-passed bill on this issue. My sense is that there was bipartisan, bicameral support for this provision. But because of the objections of a few key members of Congress, this provision was dropped in the interest of passing the Darfur Peace and Accountability Act, which I believe has some important provisions, before the Congress recesses at the end of this month.

I am wondering if the senior Senator from Illinois, who is also the Assistant Democratic Leader, shares this view and if he could comment on this issue.

Mr. DURBIN. I agree with the junior Senator from Illinois. There is a very powerful commitment in both Houses to take a meaningful stand against the genocide in Sudan. State governments, universities, and other institutions from coast to coast have passed divestment measures. Those voices have been heard in Congress, and I agree there is strong bicameral, bipartisan support for divestment, but that no single provision could be allowed to jeopardize passage of this important legislation, given the situation on the ground in Darfur.

Mr. OBAMA. I thank the senior Senator from Illinois. As Senator DURBIN

outlined, the State of Illinois has a long and proud history on the issue of divestment. I know that we will both continue to engage to push our government and the international community to do all it can to halt the violence in Darfur and, as part of our efforts, search to enact divestment language into law. I hope to draw upon the support, just mentioned by Senator DURBIN, in pushing this measure forward over the coming months.

I yield the floor.

CONGRATULATIONS, TERRY SAUVAIN, THE ''MAN FROM NOTRE DAME''

Mr. BYRD. Mr. President, every year, the University of Notre Dame presents its annual Rev. John J. Cavanaugh, C.S.C., Award to one of its alumni for extraordinary accomplishment in the field of public service. This prestigious award, which was established in 1985, is named in honor of the University's 14th president, the Rev. John J. Cavanaugh.

I am most pleased and proud to announce that the 2006 Cavanaugh Award is being presented to one of the Senate's very own, Mr. Terrence E. Sauvain, the minority staff director of the Senate Appropriations Committee.

Terry graduated from Notre Dame in 1963. He is tremendously proud to be a graduate of that great university. In fact, I have often referred to him as ''the man from Notre Dame.'' Notre Dame is the university that has given us such American legends as Knute Rockne, George Gipp, and the Four Horsemen. Now, up there with them on Notre Dame's roll of honor will be Terry Sauvain.

After graduating from Notre Dame, and earning a master's degree from George Washington University, Terry worked for several Federal agencies, including the National Institutes of Health and the U.S. Department of Health, Education, and Welfare.

In 1973, Terry worked as a clerk on the DC Appropriations Subcommittee in the service of Senator Birch Bayh, and that launched his remarkable career on this important Senate committee. He has performed in a number of capacities on the Appropriations Committee, including serving as the majority staff director, when I was chairman between 2001–2003. Terry is only 14th person to hold that position since the creation of the Appropriations Committee in 1867.

I have been indeed fortunate to have Terry on my staff for so many years. In every task I have asked him to undertake, including 2 years of service as the Secretary to the minority leader, Terry has performed his duties with courtesy, dedication, efficiency, and diligence. In every position, he has gone above and beyond the call of duty in performing the work of the Senate, and for that, I am truly grateful.

His outstanding service to the Senate has earned him a variety of honors and recognitions. A few years ago, he was awarded an honorary doctorate of humane letters from Wheeling Jesuit University in West Virginia. Last year, he received the Nyumbant Medallion of Hope for his work in assisting me in the humanitarian fight to bring relief to children with HIV/AIDS in Africa. He is a perennial selection to Roll Call's ''Fabulous Fifty'' list of top congressional staffers.

In addition to his work in the Senate, Terry served our country for more than 30 years—1963–1994—in the US Coast Guard, where he attained the rank of captain. Once again, he has been the recipient of various honors. He has earned the National Guard's Eagle Award for his role in the U.S. Coast Guard-U.S. National Guard Counter-Drug Program, and the Coast Guard's Meritorious Service Medal.

I have always maintained that, ''there are three things that drive Terry Sauvain: his family, his service to our country . . . and Notre Dame.'' Now Terry receives this well-deserved, prestigious award from his beloved alma mater. I know he is thrilled. I am thrilled for him for his lovely wife of 38 years, Veronica, and their three children, Marie Robertson, Catherine, and Terry, Jr.

Mr. President, I sincerely thank the University of Notre Dame for honoring Terry for his years of dedicated public service to the Senate and to our country. And I congratulate him for being the recipient of this distinguished award.

TRIBUTE TO GENERAL MICHAEL HAGEE

Mrs. HUTCHISON. Mr. President, I rise today to pay tribute to GEN Michael W. Hagee, the Commandant of the Marine Corps, as he prepares to relinquish the helm of the Corps and retire to private life after more than 38 years of selfless service to our Nation as a U.S. Marine.

Mike Hagee was well prepared for leadership. Raised in Fredericksburg, TX, as the son of a Navy veteran, General Hagee received an appointment to the U.S. Naval Academy. After graduating with distinction, he was commissioned as a second lieutenant in 1968. General Hagee also holds a master of science degree in electrical engineering from the U.S. Naval Postgraduate School, a master of arts degree in National Security and Strategic Studies from the Naval War College, and is a graduate of the Marine Corps Command and Staff College.

General Hagee is a Marine's marine. As a battle-tested infantry officer, he served as an infantry platoon and company commander in Vietnam, a battalion commander, Marine expeditionary unit commander, and as the commanding general of the First Marine Division and the First Marine Expeditionary Force. From the fire-swept rice paddies of Vietnam to Operation Iraqi Freedom, his keen vision and steadfast leadership have set the standard for future generations of marines. In addition to these commands, General Hagee's professional career has included a wide variety of other command and staff assignments including two tours of duty instructing at the U.S. Naval Academy and a tour in the Office of the Director of Central Intelligence.

General Hagee's impeccable service and brave leadership are also reflected in the awards he has received throughout his career. His personal decorations include the Defense Distinguished Service Medal with palm, Defense Superior Service Medal, Legion of Merit with two Gold Stars, Bronze Star with Combat ''V,'' Defense Meritorious Service Medal, Meritorious Service Medal with one Gold Star, Navy Achievement Medal with one Gold Star, the Combat Action Ribbon, and the National Intelligence Distinguished Service Medal.

In early 2003, General Hagee became the 33rd Commandant of a Marine Corps that was fully engaged in the global war on terror. Since then, many of us in these Chambers have had the privilege to work with General Hagee on matters of great importance to our Nation's defense. The Marine Corps' professionalism, adaptability, and excellence as they operate across the full spectrum of conflict are a testament to his vision and exemplary leadership.

I know that a grateful Nation shares my admiration for the general—a courageous leader whose discerning wisdom and deep sense of duty have been a linchpin to the security of this Nation during a truly challenging time—we have been fortunate in having him as the Commandant of our Corps of Marines. I am confident that my colleagues join me in expressing the gratefulness of the U.S. Senate, as well as thanking his wife Silke and their children for the years they have shared him with his country. Godspeed, General Hagee we wish you well.

THE STATE OF THE ECONOMY

Mr. REED. Mr. President, most American families have lost ground in the Bush economy and are working harder than ever to keep up with rising living expenses.

The administration is trying to paint a rosy picture of the economy, but the American people know better. They know that the President's policies are not working for them.

Despite 4 years of economic expansion, job growth has been modest, wages are failing to keep pace with inflation, real incomes are falling, household debt is rising, employer-provided health insurance coverage is declining, and private pensions are in jeopardy.

Slow job growth and stagnant wages during the Bush administration have depressed families' incomes. Adjusted for inflation, median household income in 2005 was 2.7 percent lower than it was in 2000 a loss of nearly $1,300 during President Bush's time in office.

Strong productivity growth has translated into higher profits for businesses, but not more take-home pay for average workers. Wages, the most important source of income for most families, have not kept pace with skyrocketing costs for many living expenses and many households are sending more family members to work in order to maintain their current living standards. This trend is likely to continue, since workers may find it even harder to get pay raises now that economic growth and job creation have begun to slow.

Indeed, as a recent Washington Post editorial observed: ''[T]he recent phenomenon of wages falling even during good times is disturbing and exceptional.'' Mr. President, I would like to enter the entire Washington Post editorial from September 4, 2006, into the RECORD, and note that the editorial goes on to say: ''So whereas past presidents could declare that a rising tide lifted all boats, Mr. Bush cannot honestly do so.''

Higher prices for gasoline, college education, and medical care are squeezing the take-home pay of workers. College tuition is up 44 percent; health insurance premiums are up 87 percent; and the price of gasoline was only $1.45 per gallon when the President took office.

A recent survey by Lake Research found that 3 out of 10 workers have taken on debt for necessities like food, utility costs, and gasoline. That is shocking on its face, but not surprising when you learn that household debt hit a record high this year. Average household debt has increased by more than $26,000 since 2000, from about $75,400 to $101,700 per household. For the first time since the Great Depression, the Nation registered a negative personal savings rate last year. Far too many Americans are forced to spend more than they earn just to get by.

Sadly, the administration has made no real progress against the rising tide of poverty in America. Nearly 5½ and a half million more Americans have fallen into poverty since President Bush took office—37 million Americans are now living in poverty, including 13 million children.

We are the richest Nation in the world and yet more than 1 in 6 American children lives in poverty. The number of poor children has increased by more than 11 percent during the first 5 years of the Bush administration, but the number of children receiving temporary assistance for needy families, TANF, has declined by 15.5 percent over the same time period, according to the Department of Health and Human Services.

So while the President stumps for more tax cuts for people who don't need them, the basic needs of millions of children go unmet. Even after Hurricanes Katrina and Rita put the spotlight on this shameful problem, Americans are slipping into poverty much more easily than before and finding it so much harder to escape once they are there.

What must the American people think about this Congress's priorities when the Republican majority is more interested in finding a way to repeal the estate tax than in finding a way to reduce poverty? As Senator GRASSLEY, chairman of the Finance Committee, put it last year after the hurricanes, ''It's a little unseemly to be talking about eliminating the estate tax at a time when people are suffering.''

The majority in Congress has thwarted efforts to address the needs of people living in poverty but twice tried to roll back the estate tax this year. Ninety-nine percent of estates pay no estate tax at all and those who do are multi-million-dollar estates. Far from being a ''death tax,'' the estate tax falls on heirs who seldom had any real role in earning the wealth built up by the estate holder.

The minimum wage—which hasn't been raised in 9 years is an important policy tool to lift low-income families out of poverty, but the majority in Congress won't let us have an up-or-down vote without poison pills like the estate tax.

No one who works full time should have to live in poverty, but the current minimum wage isn't enough to bring even a single parent with one child over the poverty line—even if the parent works 40 hours a week, 52 weeks a year. The average minimum wage worker brings home more than half of their family's weekly earnings, and 80 percent of those who would benefit from an increase in the minimum wage are adult workers,

The policy priorities of the administration and the majority in Congress are truly misplaced.

The ranks of those without health insurance have also grown by nearly 7 million on President Bush's watch. The number of uninsured increased to a record high 46.6 million in 2005—1.3 million more than in 2004. More Americans are now without health insurance than at any point since the Census Bureau began collecting comparable data nearly 20 years ago.

Soaring health care costs have contributed to the decline of employer-sponsored health insurance, which is the largest component of the U.S. health insurance system. The percentage of Americans with employment-based health insurance fell to 59.5 percent in 2005, which is the lowest it has been since 1993.

If you are lucky enough to have health insurance, you are paying a lot more for it. Health insurance premiums for the average family have soared by 87 percent—a stunning $5,325 jump, from $6,155 in 2000 to $11,480 in 2006.

At the same time that earnings are stagnating and costs are rising, the average worker's retirement prospects are more uncertain than ever. The number of workers employed by firms that sponsored some type of retirement plan fell by 3.7 million since President Bush took office—from 56 million in 2000 to 53 million in 2005. This reversed a trend of positive growth in employer-sponsored retirement plans in the previous 5 years.

Twenty years ago, most workers with a pension plan could expect to receive a defined benefit based on years of service and salary. Today, defined contribution plans—which shift most of the investment risk and responsibility onto workers—have become the dominant form of pension coverage. As a result of this increased risk and responsibility, average workers may end up with inadequate retirement savings.

In fact, the weakness of traditional pensions underscores the importance of the current Social Security Program. For over 60 years, Social Security has provided a dependable and predictable stream of income to retired or disabled workers, their dependents, and their survivors. Forty-eight million men, women, and children rely on Social Security benefits each month to help them live with dignity.

Social Security benefits are protected from inflation and you can't outlive them. Yet the President supports privatizing Social Security, putting the guaranteed benefits of retirees, survivors, and the disabled at risk.

We need to strengthen Social Security and improve our pensions system to ensure that Americans who work their entire lives have the financial security they deserve and worked so hard for when they retire. And although we recently enacted a pension bill, this should not be viewed as mission accomplished.

The President's deficits will only exacerbate the economic problems of middle- and low-income families.

A $5.6 trillion 10-year projected surplus from 2002 to 2011 has turned into a deficit of $2.7 trillion, based on actual deficits so far and on CBO baseline projections for the remaining years. Realistically, the 10-year deficit is probably much higher than that because this administration has a history of leaving out big-ticket items such as war costs or fixing the alternative minimum tax in its projection of future budget deficits.

Irresponsible budget policies pursued over the past 5 years by the Bush administration and the Republican Congress have mortgaged our future to foreign investors and foreign governments and damaged our international competitiveness. A little over a decade ago, the Clinton administration stepped in to stabilize the Mexican economy in the midst of a currency crisis, and today Mexico is the 10th largest holder of U.S. Treasury debt.

In this year's global competitiveness report from the World Economic Forum, the United States fell from first place last year to sixth place as high budget deficits and record trade imbalances have begun to seriously erode this country's international competitiveness.

Instead of sound budget policies aimed at preparing for the imminent retirement of the baby-boom generation, the Bush administration and the majority in Congress have refused to adopt the kinds of budget enforcement rules that helped achieve fiscal discipline in the 1990s; have pursued an open-ended commitment to rebuilding Iraq that relies on supplemental appropriations rather than the normal budget process; and have remained committed to extending irresponsible tax cuts that will add further to the budget deficit. All of this comes at the cost of destroying greater economic opportunities for most American families.

That, of course, is not what we are hearing from the administration and its supporters, who keep telling us that the economy is doing well, that their tax cuts are an important reason why, and that everyone is benefiting. It should not be surprising that this is not a message that resonates with the American people because, in fact, the current economic recovery has been weaker than the typical business-cycle recovery since the end of World War II, and large numbers of Americans are still waiting to benefit from any economic growth.

This administration touts its tax cuts, but these cuts haven't made a dent in the pocket books of most American families.

The nonpartisan Tax Policy Center estimates that this year's tax cut will only save middle-income families about $55—about what it now costs to fill the gas tank of their minivan. But taxpayers making over $1 million will receive a cut of nearly $38,000—enough to buy a new Mercedes.

Middle and lower income families are paying the price for the President's tax cuts for the wealthiest, as investments in programs that promote greater economic prosperity for ordinary Americans have become candidates for budget cutting.

Regrettably, it is not surprising how under the Republican leadership, low-income families have been abandoned but what is surprising is how the administration and Republican majority in Congress have also squeezed the middle class.

The President has proposed cuts to elementary and secondary education, student aid and loan assistance for higher education, job training for displaced workers, childcare assistance so that parents can go to work, and community development grants aimed at expanding small businesses. The President is also shortchanging investments in research and technologies that will create the high-wage jobs of the future.

Unfortunately, the rising tide is no longer lifting all boats. The benefits of this economic recovery are simply not going to ordinary Americans. Most Americans are concerned that this is as good as economic conditions will get under the Bush economic policies. Our focus should be on strengthening the safety net for American families—whether it is raising the minimum wage or preserving Social Security, pensions, and health insurance coverage.

That is why we need a new direction for America—one that focuses on creating greater economic opportunities for all families.

I ask unanimous consent to have printed in the RECORD the Washington Post editorial dated September 4, 2006.

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

MR. BUSH AND LABOR DAY—WORKERS AREN'T BENEFITING FROM GROWTH

Emerging from a meeting with his economic team at Camp David on Aug. 18, President Bush declared that ''solid economic growth is creating real benefits for American workers and families.'' This assertion was false. Mr. Bush should use this Labor Day to rethink his rhetoric and adjust his policies.

The latest evidence on what the economy is doing for workers comes from last week's Census Bureau report. This showed that the growth cycle that began at the end of 2001 has in fact created remarkably few benefits for most Americans. Between 2001 and 2005 the income of the typical, or median, household actually fell by 0.5 percent after accounting for inflation, even as workers' productivity grew by 14 percent.

The picture is hardly any better if you consider 2005 alone. Workers' pay usually takes a while to pick up after a recession: In the first stage of a recovery, unemployment falls; in the second stage, a tight labor market pushes up wages. But this second stage is taking an awfully long time to arrive. In 2005, the fourth year of the expansion, the median income did rise slightly, but that reflected a gain for retirees. The typical full-time worker continued to fall backward.

Since 1980 the wages of the typical worker have tended to decline during bad times and recoup the losses during good ones, with the overall result that they've been stagnant. That stagnation, which contrasted with rapid gains for workers at the top, was bad enough. But the recent phenomenon of wages falling even during good times is disturbing and exceptional. In the first four years of the last expansion, from 1991 to 1995, median income rose 2.9 percent; in the two upswings before that, the first four years delivered gains of more than 8 percent. So whereas past presidents could declare that a rising tide lifted all boats, Mr. Bush cannot honestly do so.

The current growth cycle has also failed to dent poverty. In fact, between 2001 and 2005, the poverty rate rose from 11.7 percent to 12.6 percent. Again, this is exceptional: In the previous five economic cycles, the poverty rate fell during the first four years of the recovery. Moreover, 5.4 percent of the population now occupies the ranks of the extremely poor, with incomes less than half the poverty line. That's the highest rate of deep poverty since 1997.

In a speech at Columbia University on Aug. 1, Treasury Secretary Henry M. Paulson, Jr. rightly acknowledged that ''amid this country's strong economic expansion, many Americans simply aren't feeling the benefits.'' Mr. Paulson needs to explain this point to Mr. Bush, who appears to see things differently. But beyond a change of language, the president needs to understand that his tax and spending policies must do more than target growth. If policies do not take inequality into account, the majority of Americans won't benefit from economic expansion—and popular support for free trade and other pro-growth ideas will continue to deteriorate.

VERMONT LAKE MONSTERS

Mr. LEAHY. Mr. President, today I wish to applaud the Washington Nationals and the Vermont Lake Monsters for extending their player development contract for the next 2 years. This new agreement will keep Vermont as the New York-Penn League affiliate for Washington through at least the 2008 season.

Vermont has been the NY-Penn League affiliate of the Montreal Expos/Washington Nationals since joining the league in 1994, and the Vermont-Montreal/Washington affiliation is now the longest current partnership in the league. The Vermont team's on-field success is highlighted by winning the New York-Penn League championship in 1996.

Since beginning the partnership in 1994, Vermont has seen 46 of its players reach the Major Leagues. Eighteen of those 46 players were on Major League rosters during the 2006 season. On top of that, two players have been part of World Series championship teams—Geoff Blum for the Chicago White Sox in 2005, and Orlando Cabrera for the Boston Red Sox in 2004.

While the teams have struggled on the field of late, I am confident that the new Washington ownership will make a firm commitment to bolstering their player development program. The Lake Monsters' owner Ray Pecor and general manager C.J. Knudsen also should be commended for their hard work and dedication in running a top-notch franchise in Vermont. In short order, the Lake Monsters should get back to its winning ways and fans in Vermont and Washington will benefit.

TRIBUTE TO KEN CUNNINGHAM

Mr. GRASSLEY. Mr. President, I want to take this opportunity at the end of a Congress to express may gratitude and best wishes to Ken Cunningham, a long-time friend and staffer who has been like family to my wife Barbara and me for more than 25 years and left my staff a few months ago.

He served me in a number of positions during those years, including chief of staff general counsel, legislative director, and legislative assistant—sometimes juggling multiple positions at once. I used to joke with him about all the titles that he had accumulated.

But now faced with growing family obligations, he has left my staff to set up his own government relations firm.

After 2 years working for former Congressman Tom Tauke, Ken joined my new Senate staff in 1981 to handle several legislative and regulatory areas initially focusing on commerce, telecommunications, transportation, and agriculture. In fact, my very first Senate legislative victories came with Ken's help on the 1981 farm bill.

Ken and his wife Sherry lived near Barbara and me, so he and I would drive to and from work together. We got to know each other well during those commutes and quickly became good friends. It was clear that my new staffer possessed sound judgment, integrity, a strong work ethic, and a passion for serving our constituents.

He worked many years in the Senate before it became popular around here to talk about the need for a ''family friendly'' schedule. And yet Ken found the time and energy to earn his law degree at the Georgetown Law Center. But I knew that I could always count on him to make the necessary sacrifices to get the job done here in the Senate no matter how long the hours. He probably set an office record in the early eighties during the crunch time of an ending Congress. As he juggled several pending legislative issues, he took only 7 hours of sleep for the entire week.

As some know, the devastation of the farm crisis of the middle eighties so discouraged me that I almost did not run for reelection. But Ken, like me, grew up farming. He, too, had friends back home and was likewise crushed by their suffering. He worked tirelessly to help me fight for every bit of relief and assistance possible to help rural Americans through that tragic time.

As partial testament to his effectiveness, when I did decide to run again, and we did some polling, my highest approval ratings came from farmers and their families. And while the farm crisis led to the defeat of many Midwest legislators, I was reelected by a wide margin.

My good friend, former Senate majority leader, Bob Dole, has called Ken Cunningham the smartest staff man on Capitol Hill, and said that I am lucky to have him. Given the number of staffers Senator Dole has known over the decades, that is indeed a remarkable compliment. But Ken has proven time and again that he deserves that reputation.

Ken has always been quick to grasp the complex. He possesses incredible discernment and political instincts. He has an intense competitive spirit.

And he is tenacious—almost as tenacious as me. He probably learned that from me.

Given these positive traits, combined with his understanding of Senate legislative rules and procedure, Ken can be either a great ally, or a most formidable opponent.

Let me give you an example.

Ken's expertise and qualities proved crucial in reversing a devastating tax legislation defeat handed to us by the House of Representatives, led by then-Ways and Means Chairman Bill Archer, during consideration of the 1997 reconciliation bill.

Chairman Archer and big oil had long despised tax incentives for ethanol, one of America's few energy independence success stories, and the source of billions of dollars of income and thousands of jobs for rural Americans and farmers.

By using reconciliation to kill these tax incentives and thus creating tax savings that protected other popular programs, Chairman Archer had devised and executed a plan to kill these tax incentives that were procedurally and politically virtually impossible to stop. He rammed it through his committee and then rammed it through the full House of Representatives.

Pro-ethanol allies in both the House and the Senate faced what seemed like one of those ''deer-in-the-headlights'' moments.

As the Senate Finance Committee prepared to take up the reconciliation package, farm and renewable fuels groups looked to me to lead the fight. But cracking reconciliation's procedural nut at this point was a daunting challenge at best.

Ken, however, formulated a legislative response that overcame these obstacles. One Finance Committee tax counsel wryly characterized it as ''clever.''

The amendment was designed not only to stop Chairman Archer's handiwork, but also to extend the ethanol tax provisions by several years. This was a bold move for a number of reasons, not the least of which was the fact that it drew opposition from both the Finance Committee's chairman and ranking Democrat.

The political obstacles were even more challenging than the legislative and procedural.

Many Democrats were outright giddy with the prospects of taking back control of Congress by blaming Republicans for the loss of the ethanol program and the resulting harm to rural America.

In recognition of this temptation, Ken recommended a particular Democratic cosponsor who, though not recognized as the most experienced in these battles, we felt would fight hard against political gamesmanship. He also devised a plan that did not depend upon the Clinton administration's help to ensure success.

I will never forget how quickly the loud chortling of the big oil lobbyists fell silent as they were stunned the night my amendment passed the Senate Finance Committee by a vote of 16 to 4.

And to the amazement of many, we fought to a draw during the 1997 reconciliation battle. Both Chairman Archer's and my provisions were dropped in conference. We then braced for Chairman Archer's next attack that came with the 1998 highway bill. This time, however, Speaker Gingrich quietly assured me that if we could get my tax amendment passed once again in the Senate, he would find a way to help me in conference.

As the time came close for the House/Senate conference, the Speaker had not yet said what he would do to help. Ken explored a number of ideas. It was common practice for House committee chairmen to designate members of their party and committee to attend conferences. But researching House rules, and seeking confirmation from the House Parliamentarian, Ken determined that the actual power of appointment resides with the Speaker.

We approached the Speaker to suggest that he consider exercising this power. And indeed, that is ultimately what the Speaker did: he appointed pro-ethanol House conferees, and my legislation extending the ethanol tax incentive prevailed, while the Ways and Means chairman's language to kill the program was dropped.

When I became the new chairman of the Senate Finance Committee, Mark Prater, the committee's chief tax counsel, told me that this was by far the biggest victory he had witnessed of me. It was unheard of and astounding for a mid-level member of the Finance Committee to defeat, as I did, a Ways and Means chairman on one of his top priorities.

Mr. President, even House Speaker Gingrich was amazed as the dust settled and we emerged victorious. Addressing a group of my constituents, the Speaker characterized legislate battle as, and I quote, ''the substance about which great novels are written.''

I will be first to acknowledge and express gratitude for all the help that many, many people provided in this fight, but I am convinced that we would have lost and there would be no ethanol program today had Ken Cunningham not come up with the right analyses and solutions at each and every critical juncture.

Over the years, Ken helped me at one time or another in just about every area of legislation and committee assignment, but he also contributed greatly to my office as a manager—first as legislative director and then as chief of staff.

He is very good with people—tactful and empathetic. He is firm, but always fair and even-handed. He has a way of bringing calm and resolution to tensions and conflict among staff. He is a good problem solver, teacher, and coach.

It is said that actions speak louder than words. And although I am not at a loss for words of praise for Ken, I think one of my last acts before he left speaks volumes about my confidence in Ken's judgment, loyalty, friendship.

I asked him to find and hire his own replacement—someone who was just as good with the same experience. I knew he would not let me down, and I think he did a pretty good job on that last assignment.

Ken has a wonderful wife and four growing boys. Barbara and I extend our blessings and best wishes for Ken and his family. And we have absolute confidence that he will be successful in his new business.

We miss seeing him at the office every day but know we will always be close friends.

So, Ken, to a valued public servant and a trusted friend, Barbara and I say

thank you for your long-standing service to Iowa and the U.S. Senate.

BANKRUPTCY REFORM

Mr. GRASSLEY. Mr. President, I rise today to discuss the impact of Public Law 109–8, the bankruptcy reform legislation of which I was the lead sponsor here in the U.S. Senate. On October 17, 2006, we will see the one-year anniversary of the new law. This law was the result of many years of comprehensive study and intense debate in Congress. There was much give and take among all interested parties over several Congresses, and the final bill that was signed into law was the result of compromise, upon compromise, upon compromise. In fact, people tend to forget that this law passed both the House and Senate by wide bipartisan margins. It is a law that was sorely needed. It is a law whose central premise—if an individual wants to file for bankruptcy and can repay some of his debt, he should do just that, repay some of that debt—is supported by almost everyone. The law's central premise is about fairness. It is about good old common sense.

The bankruptcy reform legislation was driven by a desire to restore balance to a system that had become too easy: a system where clever lawyers gamed the integrity of the bankruptcy system for the benefit of those who wanted to get out of their debts scott-free and to the detriment of those who played by the rules. In fact, bankruptcy rates in the 1990s and early 2000 timeframe exceeded bankruptcy rates during the Great Depression, despite the fact that the economy was going strong during much of this time. So with this law we closed some loopholes, made upper-income Americans repay more of their debts if they were going to seek bankruptcy, and enacted important consumer protection provisions so people could be more knowledgeable about their finances. The law retained bankruptcy for those who truly are in need of that relief, while injecting more integrity and fairness in the bankruptcy system.

So how has the new bankruptcy law worked? So far, I think it is too soon to make firm judgments. But early reports indicate the new law has been working very well. We have seen bankruptcy rates fall dramatically from about 2 million bankruptcies in 2005 to the point where I doubt there will be over 1 million bankruptcies in 2006, if current trends continue. In my mind, this is bound to help the American economy. Fewer bankruptcy filings lead me to believe that only those individuals who truly are in need of a fresh start are filing for relief. Furthermore, a natural outgrowth of fewer bankruptcy filings is a much lower cost to the American consumer and the U.S. economy.

As my colleagues may recall, the Clinton administration's Treasury Secretary, Larry Summers, told Congress that high levels of bankruptcies tend to push up interest rates. I have called that the ''bankruptcy drag'' on the economy. It is just common sense. When a business loses money because a customer files for bankruptcy instead of paying his bill, that business has a couple of options: Either the business can absorb the loss and spend less on growth and expansion or the business can increase what it charges other customers to offset the loss, imposing what many of us in Congress called a bankruptcy tax. It follows that businesses can weather the storm when the occasions where customers don't pay their bills are relatively rare, but when you have a scenario where filing bankruptcy is easy and customers are filing bankruptcy on a regular basis—whether they really need it or not, no questions asked—and they aren't paying their bills, well, then businesses get into trouble. Unfortunately, businesses that don't get paid aren't the only ones impacted by this.

The reality is, either way, ultimately it is the consumers and the economy that suffer the most when bankruptcies spiral out of control. People who play by the rules and pay their way are the ones who end up picking up the tab. I would rather see the ''bankruptcy drag'' reduced, freeing up businesses to grow, add jobs, and contribute to the Nation's economy and the people's prosperity. I would rather see the $400 ''bankruptcy tax'' burdening American families each year reduced so they can spend their money in a more productive way. And based merely on the bankruptcy filing numbers available from the Federal courts, I think that it is fair to say that Public Law 109–8 has been a success for our economy. Public Law 109–8 has driven a stake through the heart of this bankruptcy drag.

I have struggled with how to put a dollar figure on how much bankruptcy reform has saved the economy since it became the law of the land. During Congressional debate, we received testimony that the average amount discharged in bankruptcy is $41,000 per filing. If one does some simple math, taking the total number of consumer bankruptcies filed in the first half of this year and doubling that number, it seems we could see about 550,000 consumer bankruptcies in 2006—perhaps a little more, perhaps a little less.

As I said, the Federal courts reported that we had just over 2 million consumer bankruptcies filed in 2005. So using the $41,000 figure, bankruptcy losses cost our economy $82 billion in 2005. On the other hand, it looks as if, because of the new law, bankruptcy losses for 2006 will only be about $22.5 billion. Let me repeat: $82 billion in 2005 and $22.5 billion in 2006 after the law was put in effect.

We are not talking peanuts. That is a substantial savings for our economy. That is around $60 billion that would have been lost, that would have put a drag on our economy. And I am confidant that at least some of that money has been or will be redirected to economic growth. If this isn't success, I don't know what is.

It is also important to remember the unprecedented new consumer protections included in the new bankruptcy law. Let me mention some of them. Retirement savings receive more protections from the reach of creditors. Likewise, education savings also receive enhanced protections under the new law. And lenders who won't compromise with financially-troubled borrowers can be penalized for not negotiating out-of-court settlements.

People considering filing for bankruptcy now have access to no-cost or low-cost credit counseling and financial education. We want people who make bad financial choices to learn how to deal with their finances and quit the spending cycle. After all, better educated consumers are a benefit to everyone. The law even encourages education of young people on how to manage their money. And credit card companies are required by the new law to warn consumers about the dangers of making only minimum payments and to clearly identify payment amounts.

Moreover, bankruptcy mills that deceived people into filing for bankruptcy when they had other options available are now subject to new regulation. People should be aware that bankruptcy is not the only way out in times of financial trouble. Even a Federal Trade Commission Alert warned against bankruptcy mills and advised the American consumer that filing for bankruptcy adversely affects an individual's credit rating. Bankruptcy should be a last resort, rather than the first stop in regaining one's financial bearings.

So, all in all, Public Law 109–8 contains some of the most sweeping consumer protections enacted by Congress in a long time.

Of course, as I said earlier, it is too early to gauge the full impact of Public Law 109–8. Bankruptcy attorneys so frightened consumers by exaggerating the impact of bankruptcy reform that many consumers rushed to file prior to enactment of the law. And after the law was enacted, many consumers who truly need bankruptcy were scared away.

Some of the consumer protections contained in the law—such as minimum-payment warnings for credit cards and the like—have not yet been implemented by the Federal Reserve.

Also, the debtor attorneys who want to operate bankruptcy mills are seeking to get out from under the new regulations by claiming in court to have a constitutional right to advise consumers to run up debt on the eve of bankruptcy and not comply with the new law. I am pleased that the Justice Department is aggressively resisting this effort. These lawyers just want a license to go back to their old ways of making a quick buck by shuffling unsuspecting consumers into bankruptcy without advising them of the

downsides of bankruptcy or their alternatives. These lawyers also are dragging down our economy. Bankruptcy should be reserved for those persons who have no other options, not for people who use clever legal advice to make big purchases on the eve of bankruptcy with no intention of ever repaying the debt because they can wipe away their debts clean, no questions asked.

So I will keep a watchful eye on developments in the future. But for now, almost one year later, bankruptcy reform seems to have been a success.

FIFTH ANNIVERSARY OF ANTHRAX ATTACKS

Mr. LEAHY. Mr. President, In the autumn of 2001, while the Nation was still reeling from the reality of our airplanes being turned into weapons of terror, someone, somewhere, launched another deadly terrorist attack using our postal system to deliver their weapon of choice—anthrax. Those anthrax-laced letters targeting several journalists and public officials, among them Senator Daschle and myself, jarring an already fearful Nation.

Receiving that letter was a chilling and personal reminder that the threat of terrorism was not temporary, nor was it an ocean away. Thankfully, my staff and I were unharmed, but others were not so lucky. The terrorists who sent these letters struck 22 people ranging in age from 7 months to 94 years, and the attacks resulted in the deaths of five Americans. They were people who died by simply touching an envelope—in some cases the mail was addressed to them, and in other instances, it was an envelope meant for someone else. Yet all of these people died as a result of doing what so many of us do every day—our jobs.

Five years after those attacks and 5 years into the global war on terror, there is still no perpetrator who has been arrested or convicted for these attacks. Every year around the time of the anniversary—we learn that the FBI is still working on this case and that it remains a high priority for the Bureau. Many skilled and talented people have worked diligently on this case, bringing to bear some of the most advanced forensic technology in the world.

The victims of the anthrax attacks varied in gender, race, religion, age, economic status and locale, but they all shared in the suffering. The victims who suffered the most were employees of the U.S. Postal Service, of the Department of State, of news organizations and of the Senate, and the aides, the children, and the senior citizens whose mail came in contact with the anthrax-laden letters.

Robert Stevens, a photo editor at The Sun newspaper in Boca Raton, Florida, died on October 5, 2001, at the age of 63. Thomas Morris, Jr., a Washington, DC, postal worker, died on October 21 at the age of 55. Joseph Curseen, also a Washington, DC, postal worker, died on October 22 at the age of 47. Kathy T. Nguyen, a New York City hospital worker, died on October 31 at the age of 61. And Ottilie Lundgren, a 94-year-old Connecticut retiree, died on November 21.

Many of those who survived anthrax exposure remain severely debilitated, suffering from chronic cough, fatigue, joint swelling and pain, and memory loss. Several victims have been diagnosed with depression and anxiety and are still tormented by nightmares. Many cannot return to work, and some of those who have returned are unable to do even routine tasks without difficulty. Victims say they communicate very little with one another, mostly fighting their battles alone.

On October 16, 2003, I introduced a bill to amend the September 11th Victim Compensation Fund of 2001 to provide compensation for anthrax victims on the same basis as compensation is provided to victims of September 11. The bill never made it out of the Judiciary Committee. Without this appropriate help, the surviving victims struggle to pay their medical bills and get by on worker's compensation, and many report feeling like they have borne the brunt of the anthrax attacks alone. This surely exacerbates the emotional and psychological difficulties that many anthrax victims experience. Congress should act to help these people, who are victims of the national experience of these terrorist attacks, and they should be treated accordingly.

Congress and the American people hope for answers and for a resolution of this case. We hope that lessons have been learned from it that will help prevent or minimize future biological attacks. In the meantime, let us remember the loss and the suffering of those who fell victim to this deadly episode of terrorism on our soil.

IRAQ AND U.S. NATIONAL SECURITY

Mr. FEINGOLD. Mr. President, I have listened intently over the past few weeks as the President, members of his Cabinet, and Members of this Chamber have discussed Iraq, the war on terror, and ways to strengthen our national security.

For years, now, I have opposed this administration's policies in Iraq as a diversion from the fight against terrorism. But I have never been so sure of the fact that this administration misunderstands the nature of the threats that face our country. I am also more sure than ever and it gives me no pleasure to say this—that this President is incapable of developing and executing a national security strategy that will make our country safer.

As we marked the fifth anniversary of 9/11 this month, we recalled that tragic day and the lives that were lost in New York, at the Pentagon, and in Pennsylvania. And we all recalled the anger and resolve we felt to fight back against those that attacked us. This body was united and was supportive of the administration's decision to attack al-Qaida and the Taliban in Afghanistan. No one disputed that decision.

That is because our top priority immediately following 9/11 was defeating the terrorists that attacked us. The American people expected us to devote most of our national security resources to that effort, and rightly so. But unfortunately, 5 years later, our efforts to defeat al-Qaida and its supporters have gone badly astray. The administration took its eye off the ball. Instead of focusing on the pursuit of al-Qaida in Afghanistan, it launched a politically motivated diversion into Iraq—a country with no connection to the terrorists who attacked us. In fact, the President's decision to invade Iraq has emboldened the terrorists and has played into their hands by allowing them to falsely suggest that our fight against terrorism is anti-Muslim and anti-Arab, when nothing could be further from the truth.

But instead of recognizing that our current policy in Iraq is damaging our national security, the President continues to argue that the best way to fight terrorists is to stay in Iraq. He even quotes terrorists to bolster his argument that Iraq is the central front in the war on terror. Just recently, he told the country that Osama bin Laden has proclaimed that the ''third world war is raging'' in Iraq'' and that this is ''a war of destiny between infidelity and Islam.''

Instead of letting the terrorists decide where we will fight them, the President should remember what he said on September 14, just 2 days after 9/11. He said, and I quote, ''[t]his conflict was begun on the timing and terms of others. It will end in a way, and at an hour, of our choosing.'' The President was right when he said that, and he is wrong to suggest that we must stay in Iraq because that is where the terrorists want to fight us. We must fight the terrorists where they don't want to fight us—and that means engaging in a global campaign, not focusing all of our resources on one country.

The way to win a war against global terrorist networks is not to keep 140,000 American troops in Iraq indefinitely. We will weaken, not strengthen, our national security by continuing to pour a disproportionate level of our military and intelligence and fiscal resources into Iraq.

Unfortunately, because of our disproportionate focus on Iraq, we are not using enough of our military and intelligence capabilities for defeating al-Qaida and other terrorist networks around the world. While we have been distracted in Iraq, terrorist networks have developed new capabilities and found new sources of support throughout the world. We have seen terrorist attacks in India, Morocco, Turkey, Afghanistan, Indonesia, Spain, Great Britain, and elsewhere. The administration has failed to adequately address the terrorist safe haven that has

existed for years in Somalia or the recent instability that has threatened to destabilize the region. And resurgent Taliban forces are contributing to growing levels of instability in Afghanistan.

Meanwhile, the U.S. presence in Iraq is being used as a recruiting tool for terrorist organizations from around the world. In Indonesia, home to historically moderate Islamic communities, conservative religious groups are becoming increasingly hostile towards the United States. In countries like Thailand, Nigeria, Mali, the Philippines, and elsewhere, militant groups are using U.S. policies in Iraq to fuel hatred towards the West.

The war in Iraq was, and remains, a war of choice. Some in this body, even those who have questioned the initial rationale for the war, suggest that we have no option but to remain in Iraq indefinitely. That argument is mistaken. We do have a choice, and that is whether we continue to devote so much of our resources to Iraq or whether we devote our resources to waging a global campaign against al-Qaida and its allies. We cannot do both.

If we choose to stay the course in Iraq, that means keeping large numbers of U.S. military personnel in Iraq indefinitely. It means continuing to ask our brave service members to somehow provide a military solution to a political problem, one that will require the will of the Iraqi people to resolve. Our military has achieved its mission in Iraq. Until we redeploy from Iraq, our very presence there will continue to generate new terrorists from around the world that will come to Iraq to attack U.S. troops.

Staying the course also means that our military's readiness levels will continue to deteriorate. It means that a disproportionate level of our military resources will continue to be focused on Iraq while terrorist networks strengthen their efforts worldwide.

The fight against the Taliban and al-Qaida in Afghanistan, too, will continue to suffer, as it has since we invaded Iraq. If we stay the course in Iraq, we won't be able to finish the job in Afghanistan.

Finally, if this were our Nation's choice, the safety of our country would be uncertain, at best. Terrorist organizations and insurgencies around the world will continue to use our presence in Iraq as rallying cry and recruiting slogan. Terrorist networks will continue to increase their sophistication and reach as our military capabilities are strained in Iraq.

I think we can see why this approach plays into the terrorists' hands—and even why bin Laden might suggest that the U.S. presence in Iraq is beneficial to his cause.

Of course, staying the course isn't a necessity.

The alternative is to establish a new national security strategy that addresses the wide-ranging nature of the threats that face our country.

This second choice will require replacing our current self-defeating national security strategy with a comprehensive one to defeat the terrorist networks that attacked us on 9/11. It will require a realignment of our finite resources. And it will also require a change in the way we view and discuss the threat to our country. We must reject phrases like ''Islamic fascism,'' which are inaccurate and potentially offensive to peace-loving Muslims around the world. And we need to understand that there is no ''central front'' in this war, as the President argues.

The threats to our country are global, unlike any we have encountered in the past. Our enemy is not a state with clearly defined borders. We must respond instead to what is a loose network of terrorist organizations that do not function according to a strict hierarchy. Our enemy isn't one organization. It is a series of highly mobile, diffuse entities that operate largely beyond the reach of our conventional warfighting techniques. The only way to defeat them is to adapt our strategy and our capabilities and to engage the enemy on our terms and by using our advantages.

We have proven that we can not do that with our current approach in Iraq.

This choice—this new strategy—would require redeploying from Iraq and recalibrating our military posture overseas. It would require finishing the job in Afghanistan with increased resources, troops, and equipment. It would require a new form of diplomacy, scrapping the ''transformational diplomacy'' this administration has used to offend, push away, and ultimately alienate so many of our friends and allies, and replacing it with an aggressive, multilateral approach that would leverage the strength of our friends to defeat our common enemies.

It would also require the infusion of new capabilities and strength for our Armed Forces. By freeing up our special forces assets and redeploying our military power from Iraq, we would be better positioned to handle global threats and future contingencies. Our current state of readiness is unacceptable and must be repaired. Our National Guard, too, must be capable of responding to natural disasters and future contingencies.

Finally, this new approach would make our country safer. It would enable our Government to spend time addressing the wide range of threats our country faces. It would free up strategic capacity to deal with Iran, North Korea, and the Middle East, and to provide real leadership internationally against other enemies we all face, like poverty, HIV/AIDS, and corruption.

In sum, it would help return the United States to a place of preeminence in the world and would give us the opportunity to address the very real threats we face in the 21st century.

The bottom line is that we cannot afford to continue down the path the President has set forth. We face real threats from al-Qaida and other terrorist organizations. Accordingly, we need to strengthen our military, diplomatic, and intelligence capabilities. And we need clear-sighted leadership with policies aimed at confronting that threat and with the credibility to mobilize the support of the American people and the world.

This isn't a choice, it is a necessity.

HIGHER EDUCATION ACT EXTENSION

Mr. NELSON of Florida. Mr. President, I rise today to support the extension of the Higher Education Act. However, I would like to raise two issues.

First, I would have preferred a clean extension of this act as the other extensions have been.

Second, I am concerned about the impact this extension will have on the many other graduate students nationwide who rely on financial assistance, including students at Florida's Nova Southeastern University.

Nova Southeastern University's student body is unique with eighty percent pursuing graduate studies. This is the opposite of typical institutions where 80 percent of students are at the undergraduate level.

Nova holds the distinction of leading the Nation in postgraduate degrees awarded to Hispanic students.

Nova is also the largest originator of School as Lender loans in the country, and thus, is disproportionately affected by changes to the School as Lender Program.

The School as Lender Program allowed Nova to provide hundreds of millions of dollars in low-cost loans to students.

Premiums from the sale of those loans provided the university with millions of dollars annually which it used to educate its students. Nova maintains it helped keep their tuition rates down.

Denying Nova its ability to use these premiums for all students will hurt thousands of Nova students each year.

This extension also eliminates the ability of school lenders and eligible lender trustees to issue low-cost PLUS loans to graduate students. This change could increase the cost of graduate school for many students who need multiple loans to finish their degree.

For these reasons, I am disappointed this is not a clean extension, and I will continue to engage our Senate Education Committee leaders about this issue in the months ahead.

HONORING OUR ARMED FORCES

LANCE CORPORAL PHILIP JOHNSON

Mr. DODD. Mr. President, today I rise to pay tribute to U.S. Marine Corps LCpl Philip A. Johnson, of Enfield, CT, a heroic young man who lost his life serving his country in Iraq on September 2, 2006. He was 19 years old.

Lance Corporal Johnson, a member of the weapons company of the 3rd Battalion, Second Marine Division based at Camp Lejeune, NC, was killed along with one other marine when a roadside bomb detonated as their unit was traveling from Ramadi.

Philip Johnson was the consummate American patriot. He dedicated his life to the U.S. Marine Corps and took immense pride in serving his country. As a little boy, Philip dreamed of being a marine and wasted no time in pursuing his goal. He joined a youth education and service organization named the Westover Young Marines at the age of 11, where he attained the rank of staff sergeant and served as a role model for younger members. Many who knew him remember his lifelong love of the Marine Corps, but they also remember him as a focused and thoughtful young man with a drive to help people. Philip was active in his church and committed to his faith.

Above all, Philip was eager to serve his country, so shortly after graduating from Enfield High School in 2005 he fulfilled his childhood dream by enlisting in the Marine Corps. As a marine, he continued to exhibit the exceptional determination and focus that defined his youth. Philip attained the rank of lance corporal in less than a year, an impressive feat that speaks volumes about his dedication to the Marine Corps.

Philip Johnson was a model marine, prepared to fight America's worst enemies and deeply committed to both the Corps and our Nation. Lance Corporal Johnson and others like him have made the ultimate sacrifice so that their fellow Americans can live in peace and security, and for that, we should be eternally grateful.

So today I salute Philip Johnson for his unwavering commitment to our Nation and the principles for which it stands. He was a young man of exceptional integrity and will be greatly missed. I wish to extend my deepest sympathies to his parents, Louis and Kathy, his sister, Jessica, and to all those who knew and loved him.

ARMY PFC NICHOLAS MADARAS

Mr. DODD. Mr. President, today I wish to speak in honor of U.S. Army PFC Nicholas Madaras, of Wilton, CT, who was killed in Iraq on September 3, 2006. He was 19 years old.

Private Madaras, a member of the 1st Battalion, 68th Armor Regiment, 3rd Brigade Combat Team, 4th Infantry Division, was fatally wounded when a bomb detonated near his dismounted patrol in Baqouba, Iraq.

A 2005 graduate of Wilton High School, Nicholas excelled both in the classroom and on the soccer field, where he started for 3 years and served as the team manager. Among the students, teachers, and coaches, he was known as a genuine person, one who led by example and cared about the people around him.

Nicholas enlisted in the Army shortly before graduation and arrived in Iraq in February of this year. He was proud to be a soldier and approached his assignment as a driver of a Humvee in a security escort with the same leadership and intensity that he brought to the soccer field. Despite the unimaginable hardships of war, Nicholas never lost his generous spirit. He persuaded his father to mail dozens of used soccer balls to his base because he could not stand to see the local children kicking tin cans. This act of kindness in the midst of cruelty and chaos clearly demonstrated the character of this exemplary young man.

PFC Nicholas Madaras was a patriot in the best sense of the word. He and others like him have given their lives in defense of our Nation's principles, and for that, all of us in Connecticut and across America owe them a deep debt of gratitude.

I salute Private Madaras for his tremendous service to our country, and wish to offer my deepest sympathies to his parents, William and Shalini, his sister Marie, his brother Christopher, and to everyone who knew and loved him.

NATIONAL CAPITAL TRANSPORTATION AMENDMENTS ACT

Mr. SARBANES. Mr. President, this legislation, the National Capital Transportation Amendments Act of 2006, authorizes a total of $1,500,000,000 in matching Federal funds over the next 10 years to help sustain the Federal Government's longstanding commitment to the Washington Metropolitan area's Metrorail system.

In March, 2006, the Washington Metropolitan Area Transit Authority celebrated the 30th anniversary of passenger service on the Metrorail system. Since service first began in 1976, Metrorail has grown from a 4.6-mile, five-station, 22,000-passenger system into the Nation's second busiest rapid transit operation. Today the Metrorail system consists of 106.3 miles, 86 stations and carries more than 100 million passengers a year. The Metrorail system provides a unified and coordinated transportation system for the region, enhances mobility for the millions of residents, visitors, and the Federal workforce in the region, promotes orderly growth and development of the region, enhances our environment, and preserves the beauty and dignity of our Nation's Capital. It is also an example of an unparalleled partnership that spans every level of government from city to State to Federal.

As the largest employer in this region, the Federal Government has had a longstanding and unique responsibility to support the Metro system. This special responsibility was recognized more than 40 years ago in the National Capital Transportation Act of 1960, when Congress found that ''an improved transportation system for the National Capital region is essential for the continued and effective performance of the functions of the Government of the United States.'' Today more than a third of Federal employees in this region rely on Metrorail to get to work, and at rush hour, more than 40 percent of Metro's riders are Federal employees. The service that WMATA provides is also a critical component of Federal emergency evacuation plans for the region. The Federal Government's interest in Metro is ''unique and enduring.''

It took extraordinary perseverance and effort to build the 106-mile Metrorail system. From its origins in legislation first approved by the Congress during the Eisenhower administration, three major statutes—the National Capital Transportation Act of 1969, the National Capital Transportation amendments of 1979, and the National Capital Transportation amendments of 1990—were enacted to provide Federal and matching local funds for construction of the system. In addition, in ISTEA, TEA–21 and most recently in SAFETEA-LU, we made the Metrorail eligible for millions of dollars in Federal funds annually to maintain and modernize the system, and provided an additional $104 million for WMATA's procurement of 52 rail cars and construction of upgrades to traction power equipment on 20 stations to allow the transit agency to expand many of its trains from six to eight-cars.

But the system is aging and has been experiencing increasing incidents of equipment breakdowns, delays in scheduled service, and unprecedented crowding on trains. In 2004, WMATA released a ''Metro Matters'' report which found a $1.5 billion shortfall in funding over 6 years to meet WMATA's capital and operating needs. A blue-ribbon panel, sponsored by the Metropolitan Washington Council of Governments, the Greater Washington Board of Trade and the Federal City Council, published a report a year later which concluded that WMATA faces an average annual operating and capital shortfall of approximately $300 million between fiscal year 2006 and fiscal year 2015.

This legislation seeks to provide additional Federal funds to help close this gap. To be eligible for any Federals funds that may be appropriated annually under this legislation, the District of Columbia, the State of Maryland, and the Commonwealth of Virginia must first enact the required Compact amendments and either establish or use an existing dedicated funding source, such as Maryland's transportation trust fund, to provide the local matching funds. The legislation is still subject to the annual appropriations process, and it is my hope that Federal funding authorized under this act will be forthcoming in future years. I urge adoption of the legislation.

PREVENTING CIVILIAN CASUALTIES IN IRAQ

Mr. LEAHY. The heart wrenching reports of civilian casualties in Iraq,

each one of whom represents a mother, father, son or daughter who has been injured or killed in the crossfire or as a result of deliberate attacks, should deeply concern us. Thousands of innocent Iraqi men, women and children have died as a result of suicide bombs, shootings, improvised explosive devices, or from tragic mistakes at U.S. military checkpoints.

There is not enough time today to discuss this issue in depth. There are too many incidents, and too many issues, from the widespread and inappropriate use of cluster munitions in populated areas which indiscriminately and disproportionately injure and kill civilians, to the despicable acts of terrorism that are designed to cause the maximum amount of suffering among innocent people.

I do want to mention that both the Department of Defense and the U.S. Agency for International Development have programs in both Iraq and Afghanistan to provide condolence payments or assistance to civilians who have been injured or the families of those killed as a result of U.S. military operations. The USAID program is named after Marla Ruzicka who died in a car bombing in Baghdad on April 16, 2005, at the age of 28. Marla devoted the last years of her life getting assistance to innocent victims of the military operations in Afghanistan and Iraq, and the organization she founded, Campaign for Innocent Victims in Conflict, continues to work on these issues in both countries.

The Pentagon's condolence program, which is administered by Judge Advocate General officers in the field, provides limited amounts of compensation depending on the nature of the loss. The program has suffered from some administrative weaknesses which I will speak about at greater length at another time. However, it does represent an acknowledgement by U.S. military commanders that it is neither right, nor is it in our interest, to turn our backs on innocent people who have been harmed as a result of our mistakes.

I also want to mention a June 6, 2006, Wall Street Journal article entitled ''U.S. Curbs Iraqi Civilian Deaths In Checkpoint, Convoy Incidents,'' and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. LEAHY. This article describes laudable efforts by the Department of Defense to reduce civilian casualties that have so often resulted from mistakes that could have been avoided with relatively simple precautions at checkpoints.

For years, I and others urged the Pentagon to ensure that U.S. checkpoints were clearly marked and that soldiers at checkpoints in Iraq are trained to warn drivers in ways that avoid confusion, not simply with lights or by firing their guns into the air which a driver might not see or that could cause a driver to panic. For years, we were ignored, with horrific incident after horrific incident, whole families gunned down, or only young children left alive after their parents in the front seat were riddled with bullets.

Iraq is an extraordinarily dangerous place and attacks against our troops often happen without a moment's notice. Split second decisions are sometimes necessary. No one suggests that our troops should not be able to defend themselves or that they should be penalized for unavoidable mistakes. But Pentagon officials stubbornly refused to heed the most reasonable, constructive suggestions, always insisting that they were acting according to procedures.

Those procedures were woefully inadequate and they devalued innocent Iraqi lives. It is inexcusable, because it was so obvious and many casualties could have been avoided with the changes that field commanders have recently made. All it took was caring enough to do it.

The article also mentions that the Pentagon has finally been investigating and reporting on civilian casualties. It is not an exact science, since sometimes a person dressed like a civilian is actually an enemy combatant, but it is vitally important that we do our best to determine the cause of civilian casualties that result from our actions.

Section 1223 of H.R. 1815, the fiscal year 2006 Defense Authorization Act, requires a report on the Pentagon's procedures for recording civilian casualties in Iraq and Afghanistan. That report, a copy of which I only just received, is an embarrassment. It totals just two pages and it makes clear that the Pentagon does very little to determine the cause of civilian casualties or to keep a record of civilian victims.

No one expects our troops to be forensic investigators, but we do expect the Pentagon to take this issue seriously and to do its best to document and maintain a record of civilian casualties. By doing so we can make clear that we value innocent lives, we are better able to know when and how to assist the families of those injured or killed, and we can make changes to procedures to prevent such mistakes in the future.

[From the Wall Street Journal, June 6, 2006]

U.S. CURBS IRAQI CIVILIAN DEATHS IN CHECKPOINT, CONVOY INCIDENTS

(By Greg Jaffe)

WASHINGTON—The U.S. military has cut the number of Iraqi civilians killed at U.S. checkpoints or shot by U.S. convoys to about one a week today from about seven a week in July, according to U.S. defense officials in Iraq.

The reduction in civilian casualties shows that months before the killing of 24 Iraqis in the western Iraqi town of Haditha came to light, the military was pushing to reduce the number of Iraqi civilians killed or wounded at the hands of U.S. forces. The drop since July, however, suggests that hundreds of Iraqi civilians were killed at U.S. checkpoints or on Iraqi highways during the first two years of the war.

The shooting of civilians in such instances has angered Iraqi civilians and political leaders. It also likely has helped fuel the insurgency. Last week, Iraqi Prime Minister Nouri al-Maliki lashed out at U.S. forces for showing ''no respect for citizens, smashing civilian cars and killing on a suspicion or a hunch.'' Mr. Maliki's comments were driven in part by the news that U.S. military investigators had opened a pair of formal probes into the mid-November incident in Haditha in which Marines allegedly killed two dozen unarmed civilians, including several women and children without provocation. Evidence indicates that the Marines tried to blame the incident on a roadside bomb and an ambush from insurgents, say lawmakers and U.S. officials familiar with the probes.

In contrast with the Haditha incident, where the killings are alleged to be intentional, checkpoint and convoy shootings are almost always the result of mistakes in which confused or disoriented Iraqi drivers don't respond to initial warnings from U.S. forces to slow down or back off, U.S. officials say. U.S. forces, worried about their own security and that of their colleagues, must make split-second decisions to fire warning shots or open fire.

Such shooting incidents—or escalation-of-force incidents, as military officials call them—result in civilian casualties in 12% of the cases. The numbers don't include civilians killed in raids resulting from bad intelligence or Iraqis killed in the crossfire of battles with insurgents.

Until July 2005, the U.S. military didn't track civilian casualties in these incidents, senior military officials say. In December, President Bush estimated that about 30,000 Iraqi civilians had been killed since the war started. His spokesman, however, said the estimate was based on media reports and not a formal military count.

The military's failure to track such killings has drawn criticism from human-rights experts. ''If you don't keep track of the civilians you harm, you don't know how you are doing,'' said Sarah Sewall, director of the Carr Center for-Human Rights Policy at Harvard University. She praised the military for paying more attention to the problem but lamented that it took so long.

Since arriving in Iraq as the No.2 military official in January, Lt. Gen. Peter Chiarelli has made reducing Iraqi civilian casualties in escalation-of-force incidents a bigger priority. Gen. Chiarelli has been critical of the U.S. military for using force too quickly.

''It is something he has been pushing since we got into theater, and we have been making good progress,'' said a military officer familiar with the general's efforts. Some of the decrease has been the result of changes in tactics and training. Military commanders have been ordered to ensure that their checkpoints all use the same signs and setup to minimize confusion.

U.S. soldiers have been given new equipment such as sirens and green lasers that allow them to get Iraqi drivers' attention without firing warning shots. Soldiers also have been schooled in new ways of spotting suicide bombers.

In April, Gen. Chiarelli directed his subordinate commanders to investigate all escalation-of-force incidents that result in an Iraqi being seriously wounded or killed or cause more than $10,000 in property damage. The results must be sent to Gen. Chiarelli's Baghdad headquarters. Before his order, such incidents weren't always investigated.

In recent months, senior military officials have focused less on finding insurgents and

more on keeping soldiers in one place, where they provide daily security for the population. ''They are getting into small towns more and staying for a longer period of time. That cuts down on mistakes,'' says Andrew Krepinevich, executive director of the Center for Strategic and Budgetary Assessments, a Washington defense think tank.

BREAST CANCER AWARENESS MONTH

Mr. JOHNSON. Mr. President, I am grateful for the opportunity to discuss the importance of breast cancer awareness and to highlight Breast Cancer Awareness Month, which takes place this October.

We celebrate Breast Cancer Awareness Month every October in order to raise awareness of the disease and to stress the importance of early detection through an annual mammogram for women over 40, or earlier for women with increased risk factors. I say that we celebrate Breast Cancer Awareness Month because in my family, we truly do celebrate. Were it not for the efforts of so many fine individuals and organizations to raise awareness of this disease, my wife Barbara might not have sought early treatment and won two battles with breast cancer. Barbara's triumphs truly give our family reason to celebrate.

Yet the numbers remind us that we have more work to do. Breast cancer is the most common nonskin cancer and the second leading cause of cancer-related death among women. We know we are making strides against this disease because while the breast cancer diagnosis rate has increased, the overall breast cancer death rate has decreased. Simply put, although more women are personally fighting breast cancer, more women are winning.

One of the most effective ways for women to win their battle against breast cancer is through early detection and treatment, and highlighting this fact is a fundamental goal of Breast Cancer Awareness Month. In this spirit, Barbara and I sponsor a mammogram van every year at the South Dakota State Fair in Huron, SD. The van, which our generous sponsors help us provide free of charge, offers 2 days of free mammograms for uninsured women. We are so proud to have the opportunity to offer this important screening to so many women.

I am disappointed that the President's budget request for fiscal year 2007 does not prioritize funding for cancer programs in a way that allows us to move quickly forward in the fight against breast cancer. The President requested level funding for the National Institutes of Health, NIH, the world's largest and most distinguished organization dedicated to maintaining and improving health through medical science. This proposed budget would cut funding for 18 of the 19 Institutes at NIH, including a $40 million cut for the National Cancer Institute.

I am pleased that the Labor, Health and Human Services and Education appropriations bill approved by the Appropriations Committee, on which I serve, in July not only restored funding for the National Cancer Institute, but also included a $9 million increase over the fiscal year 2006 level. While we must still travel a long path to passing this appropriations bill, I am committed to maintaining and, if possible, increasing this funding level.

Earlier this year, I joined 73 Senators in voting to add $7 billion to the Labor, Health and Human Services and Education appropriations bill. Unfortunately, the fiscal year 2006 emergency supplemental bill contained a ''deeming resolution'' that forced the Senate to make significant spending cuts in domestic programs. As a result, on July 20, the Senate Appropriations Committee reported out a bill that is $2 billion short of the fiscal year 2005 level. I am committed to securing the rest of the funds that so many of my colleagues and I support and to ensuring that important programs like breast cancer research and screening and treatment programs receive the benefit of these additional funds. We can only expect to conquer breast cancer and other forms of cancer if we commit the funds necessary to researching, understanding, and preventing this disease.

During the month of October, I urge my Senate colleagues, my constituents in South Dakota, and all Americans to join me in celebrating Breast Cancer Awareness Month.

BI-NATIONAL HEALTH WEEK

Mr. LUGAR. Mr. President, I appreciate this opportunity to join my friends from across the United States, Mexico, Canada, Guatemala, and El Salvador in celebrating the 6th Annual Bi-National Health Week.

Bi-National Health Week affords us an opportunity to reflect upon the many successful efforts made here in the United States in cooperation with Mexican, Canadian, Guatemalan, and Salvadorian consulates in order to promote healthy lifestyles and well-being amongst those who might otherwise lack access to important health care services.

Bi-National Health Week originated as an effort by Mexico's Secretary of Health to direct health care services to the underserved migrant populations currently living and working in the United States. Since its inception in October 2001, the network of Mexican consulates throughout the country has partnered with U.S. Federal, State and local agencies, the Institute for Mexicans Abroad, the United States-Mexico Border Health Commission, the California-Mexico Health Initiative, and various Mexican and United States colleges and universities. These partnerships have resulted in celebrations throughout the world in an effort to empower local health clinics and community organizations to provide services to the Hispanic/Latino population.

The agencies involved with the Bi-National Health week are working diligently to educate and encourage people to pursue healthy lifestyles. HIV, cholesterol, blood sugar, blood pressure, and oral screenings will be offered as examples of first-rate preventative care in order to avoid costly hospitalization and reduce future costs to the taxpayer. We must continue to work together at the Federal, State and local levels with our friends throughout the world in order to ensure that we seek every opportunity to pursue healthy lifestyles.

TRIBUTE TO FRANK IPPOLITO

Mr. CHAMBLISS. Mr. President, I am pleased to join my good friend from Iowa, the ranking minority member of the Committee on Agriculture, Nutrition and Forestry, to salute a dedicated public servant, Mr. Frank Ippolito, who is retiring after more than 30 years of distinguished service to the U.S. Government, including 24 years at the Department of Agriculture, USDA.

As the Director of the Governmental Affairs Office at USDA's Food and Nutrition Service, FNS, Mr. Ippolito is the career civil servant responsible for communications between FNS and Congress and for coordinating logistics for hearings, briefings, and legislative policy for the Under Secretary of Food, Nutrition, and Consumer Services and FNS staff.

FNS accounts for over half of USDA's annual budget. It serves a monthly average of over 25.9 million people in the Food Stamp Program, 8.22 million people in the Special Supplemental Nutrition Program for Women, Infants, and Children, WIC, and provides daily meal service to over 30.9 million students through the National School Lunch Program and 10.3 million students in the National School Breakfast Program. Mr. Ippolito is the bridge between this important agency and the Congress.

Mr. Ippolito was born and raised in Birmingham, AL. He graduated from the Birmingham Public School System in 1965, earned a B.S. in chemistry from the University of Alabama in 1969 and a law degree from the University of Alabama School of Law in 1973.

Mr. Ippolito first worked as general counsel of the Alabama Air Pollution Commission in the State capital. In 1975, he came to Washington to work for the U.S. Department of Health, Education, and Welfare, now known as the U.S. Department of Health and Human Services, and worked for the Social Security Administration and the U.S. Defense Investigative Agency.

In 1982, Mr. Ippolito came to FNS in the Office of Governmental Affairs as a legislative specialist. In 1988, he was named Director of Governmental Affairs, the position he has held for the past 18 years. As Director, he has provided invaluable guidance on FNS programs and activities both to the Under

Secretary and Secretary of Agriculture and to Members of Congress for five farm bills and five child nutrition and WIC reauthorizations.

Over the course of his career, Mr. Ippolito served under six Presidents and eight Secretaries of Agriculture, five Chairmen of the U.S. House of Representatives Committee on Agriculture, and six chairmen of the U.S. Senate Committee on Agriculture, Nutrition, and Forestry.

In the Senate Agriculture Committee, in exercising our jurisdiction over FNS we not only work in a bipartisan fashion, we also work closely with the administration. When writing a farm bill or child nutrition and WIC reauthorization, we often call upon FNS staff, including Mr. Ippolito, for expertise. He put in many Saturday afternoons and late nights past 2:00 a.m. during legislative discussions and negotiations because of his dedication to providing Representatives, Senators, and our staff access to the information we need to serve the American people.

I commend Mr. Frank Ippolito for his many years of dedicated service to the U.S. Government and for the outstanding work he has done throughout his distinguished career. I congratulate him on the occasion of his retirement and extend my best wishes to him and his wife, Donna, in the years ahead.

Mr. HARKIN. Mr. President, I too wish to pay tribute to the accomplishments of Mr. Frank Ippolito and thank him for his many years of dedicated service to the American people and especially to the U.S. Department of Agriculture, Food and Nutrition Service, FNS. Mr. Ippolito has done an outstanding job as the career civil servant responsible for communications between FNS and Congress. During his long tenure, this critical agency, which benefits millions of Americans, has been greatly improved.

Mr. Ippolito has crossed many a path with countless elected officials and staff over the years, and without regard to party affiliation, he has treated each and every one of us with dignity, respect, and a helpful attitude that allows the work of Government to be performed efficiently and effectively. And in addition to his professionalism and competence, he has always carried out his work with a generous spirit and a cheerful personality.

In sum, Mr. Ippolito exemplifies the very model of a public servant. Frank Ippolito reminds us that, at its best, working for the Federal Government is ultimately about working for the people of the United States. At the end of a career, all of us who have worked in the Government or elected office should ask ourselves if, as a result of our careers, the people throughout America are better off as the result of our efforts. I am confident that Frank can enter retirement after three decades secure in his knowledge that the answer to that question is an emphatic yes.

I thank Mr. Frank Ippolito for his years of extraordinary service and wish him and his wife Donna all the best on this occasion for his retirement.

MISSED OPPORTUNITIES IN HEALTH CARE

Mr. BAUCUS. Mr. President, this Congress has made little progress on health care.

We know the problems. Health costs are rising. The number of uninsured is growing. American companies, burdened by growing health-care obligations, are struggling to compete. And what has Congress done about it? Not much.

The trends are worsening. Last month, we learned that nearly 47 million Americans lack health insurance. That is up from a bit over 40 million in 2001. Last week we learned that health insurance premiums rose 7.7 percent last year. That is twice the rate of inflation. And nearly every day, I hear from an employer concerned about the rising cost of health care.

Unfortunately, this Congress has not made progress on these top-tier health issues. Congress has not made progress even where wide agreement exists.

There is wide agreement on health information technology, or health IT. Most experts agree that smarter use of health IT would cut costs. It would increase efficiency. It would reduce medical errors. And it would save lives.

Furthermore, health IT would help us to move to system of paying health care providers for the quality of care that they provide. That is an important priority of mine.

Last November, the Senate passed a health IT bill unanimously. That was nearly 11 months ago. Yet an agreement has still not been reached with the House on a compromise health IT bill.

This bill started with broad support across the Senate. But deliberations on this bill have now turned partisan. Recently, the majority has excluded Democrats from the conference committee deliberations.

There is also wide agreement on Medicare physician reimbursements. An overwhelming majority of Senators have urged action to prevent a pending 5.1 percent cut in the Medicare physician fee schedule for 2007. And there is broad agreement on the need to start rewarding quality in Medicare. But despite agreement on both issues, Congress has yet to act.

There is also wide agreement on helping seniors confused by the new Medicare drug benefit. The new Medicare drug program imposes a penalty on those who sign up after the enrollment deadline. But the way that the Government implemented the new Medicare drug program confused seniors.

In response, Chairman GRASSLEY and I joined a wide group of Senators to introduce legislation to waive the penalty for this year. But despite broad support for this measure, it remains unaddressed.

There is also wide agreement that we need to sustain important health safety net programs. In 3 months, funding for transitional medical assistance—TMA —ill expire. TMA provides temporary health coverage to low-income working parents moving from welfare to work. Without a TMA extension, nearly 800,000 working parents will lose the temporary health coverage that they need to leave welfare and lead independent lives.

There is also wide agreement that we need to enact technical corrections to last year's Deficit Reduction Act. While I did not vote for that bill, it is important that Congress clarify any misunderstandings over its intent. I know that Chairman GRASSLEY shares my interest in getting this done as soon as possible.

There is also wide agreement to support the Children's Health Insurance Program, or CHIP. CHIP has helped cut the number of uninsured kids from 10.7 million in 1997 to 8.3 million in 2005. But despite this success, 17 States face federal funding shortfalls in their CHIP programs. These shortfalls potentially jeopardize coverage for hundreds of thousands of kids. We cannot afford to lose ground in our fight to provide more health coverage for children.

There is also wide agreement that we need to improve health care in Indian Country. In June, the Finance Committee reported legislation to improve access to Medicare, Medicaid, and CHIP in Indian Country. That bill is now part of the Indian Health Care Improvement Act. That bill is being held hostage by a handful of opponents on the other side.

There is no shortage of important health issues. Many health issues spark intense partisan disagreement. But that is generally not true about the ones that I just described.

That is why it is so disappointing that these issues—from Medicare physician payments to transitional Medicaid—remain unaddressed.

If we are ever going to make progress on the most difficult problems facing our health system—rising costs, the uninsured, threats to American competitiveness—we will have to work together and pass legislation. That we cannot even work together on issues with wide agreement is deeply troubling.

NATIONAL EMPLOY OLDER WORKERS WEEK

Mr. SMITH. Mr. President, I rise today in recognition of National Employ Older Workers Week, celebrated September 24–30, 2006. All too often we concentrate only on the social and economic challenges that the rapidly increasing numbers of older Americans present this Nation. This week's designation provides the opportunity to highlight the vital role that older workers can and do play in fostering a competitive economy through their workplace contributions.

As the baby boomer generation has begun to reach traditional retirement

age, this mature workforce is breaking down the negative stereotypes that cast older workers as frail, unproductive, and resistant to technological advances. Today's older generation of Americans has persevered through economic hard times and flourished in prosperity, endured war and enjoyed peace, and embraced more dramatic technological advances in science, medicine, transportation and communications than any other generation in our history. This breadth of experience should be viewed as a valuable asset bridging this country's past and future. National Employ Older Workers Week is our opportunity to recognize the wealth of experience older Americans have acquired and can contribute to the 21st century workplace, as well as the importance of work in helping seniors maintain their independence, health, and well—being.

Mr. President, I encourage my colleagues to join me in recognition of National Employ Older Workers Week. As chairman of the Senate Special Committee on Aging, I look forward to working with my colleagues to encourage the hiring and retention of older workers. We honor these workers for their experience and the contributions they have made throughout their lifetimes, and look forward to their continued contributions to our country's prosperity. .

IMPROVING ELECTION PRACTICES FOR NOVEMBER 7TH

Mr. DODD. Mr. President, there has been much discussion and debate over the last 6 years on the best way to modernize the way we run Federal elections. As a result of the Help America Vote Act of 2002, HAVA, the Election Assistance Commission, EAC, a bipartisan independent agency, was created. One of the EAC's duties is to serve as a clearinghouse of election administration information for the use of election officials, the information of voters, and the good of our democracy.

The Election Assistance Commission has recently released four documents that serve as an overview on good election administration practices in preparation for the November 7 Federal elections. States are making the final push to implement the new election administration requirements enacted in HAVA which must be in place by November. As with any new Federal requirements, it is anticipated that there may be problems with new technologies, administrative failures, or human error. In light of some of the challenges faced by election officials in primaries over the last few weeks, these best practices guidelines are both timely and instructive for those who are responsible for conducting our Federal elections this fall.

The first document, ''Quick Start Management Guide for New Voting Systems,'' covers basic polling place planning and management operations for those jurisdictions that have recently purchased new voting equipment. This document includes recommendations on contingency plans, testing procedures, and security.

The second document, ''Quick Start Management Guide for Poll Workers,'' discusses best practices for recruiting, training, and retaining poll workers. These best practices include election day recommendations for establishing a dedicated phone line for poll workers and creating a troubleshooting guide for problems at the polls.

A third guide, ''Quick Start Management Guide for Voting System Security,'' discusses methods of assessing technological or procedural flaws in election security, and suggests protocols on how to improve the secure functioning of the elections process. These protocols include installing only certified software, implementing procedures and systems to control physical access to voting systems, and maintaining an inventory of all election materials.

Finally, the fourth guide, ''Quick Start Management Guide for Ballot Preparation/Printing and Pre-election Testing,'' provides recommendations for ballot preparation and logic and accuracy testing of systems. These best practices include testing all components of the system prior to election day, replacing all batteries before each election, and ensuring that all state laws and procedures for logic and accuracy testing have been followed.

These guides have been developed based on best practices used successfully by election officials across this Nation. While many jurisdictions may already be considering these procedures, I wanted to bring these guides to the attention of my colleagues in the hope that they will pass this information on to their state and local election officials for use in the November Federal elections.

These recommendations may not cover every potential election problem faced by poll workers and voters in the fall elections. State law in some jurisdictions may even preclude election officials from implementing some of these best practices. However, these documents raise potential issues for everyone involved in the elections process to consider, and offer concrete solutions to the challenging administrative problems that impact state and local election officials. Most importantly, these procedures can help ensure that every eligible American will have an equal opportunity to cast a vote and have that vote counted in the November Federal elections.

The text of these four Quick Start Guides can be accessed on the Election Assistance Commission Internet Web site, *http://www.eac.gov* by following links to: Guide for New Voting Systems; Voting System Security Guide; Poll Workers Guide; and Ballot Preparation/Printing & Pre-Election Testing Guide.

THE KYOTO DECLARATION OF RELIGIONS FOR PEACE

Mr. LUGAR. Mr. President, the organization known as Religions for Peace constitutes a global network of inter-religious councils and affiliated groups, harnessed to encourage cooperation among the world's religious communities to transform conflict, build peace and advance sustainable development.

Founded in 1970 as an international, nonsectarian organization, Religions for Peace is now the largest coalition of the world's religious communities.

President of Religions for Peace is His Royal Highness Prince El Hassan bin Talal of Jordan.

Secretary General of WCRP, as the organization is known, is Dr. William F. Vendley, of the United States.

Our former colleague and my fellow Hoosier, John Brademas, who served in the House of Representatives from Indiana for 22 years and then became president of New York University, which he now serves as President Emeritus, is an International Trustee of Religions for Peace.

Last month, in Kyoto, Japan, more than 800 religious leaders, from all major traditions and over 100 countries, met at the Eighth World Assembly of the World Conference of Religions for Peace.

The theme of this assembly was Confronting Violence and Advancing Shared Security.

At the request of our former colleague Representative Brademas, I ask unanimous consent to have the final statement issued by the Kyoto Assembly printed in the RECORD.

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

THE KYOTO DECLARATION ON CONFRONTING VIOLENCE AND ADVANCING SHARED SECURITY—RELIGIONS FOR PEACE EIGHTH WORLD ASSEMBLY

PREAMBLE

Representing all major religious traditions and every region of the world, more than eight hundred religious leaders from over one hundred countries convened in Kyoto, Japan as the Eighth World Assembly of the World Conference of Religions for Peace to address the theme, ''Confronting Violence and Advancing Shared Security.'' We, the Assembly Delegates, come from the global Religions for Peace network of local, national, regional, and international inter-religious councils and groups, as well as networks of youth and women of faith. We recognize and build on the significant contributions and statements of youth and women of faith made in their respective assemblies.

The first Religions for Peace World Assembly that convened in Kyoto in 1970, and every Assembly since, affirmed deeply held and widely shared religious principles that still inspire our search for peace with justice today. We share a conviction of the fundamental unity of the human family, and the equality and dignity of all human beings. We affirm the sacredness of the individual person and the importance of his or her freedom of conscience. We are committed to the ethical values and attitudes commonly shared by our religious traditions. We uphold the value of life manifest in human community

and in all creation. We acknowledge the importance of the environment to sustain life for the human family. We realize that human power is neither self-sufficient nor absolute, and that the spirit of love, compassion, selflessness, and the force of inner truthfulness ultimately have greater power than prejudice, hate, enmity or violence. Meeting in Japan, the nation that experienced the horrors of nuclear attacks, we commit ourselves to continue to struggle toward comprehensive nuclear disarmament and against the proliferation of arms.

The first Assembly of Religions for Peace declared: ''As men and women of religions, we confess in humility and penitence that we have very often betrayed our religious ideals and our commitment to peace. It is not religion that has failed the cause of peace, but religious people. This betrayal of religion can and must be corrected.'' It is crucial now to engrave the reflection of our respected predecessors deeply in our hearts.

Today, we live in a world in the grip of many forms of violence, both direct and structural. Violent conflicts—within states and across borders, carried out by both state and non-state actors—take lives and destroy communities. They cause more civilian than military casualties and their disproportionate impact is on vulnerable populations.

Religious communities in particular must play a central role identifying and confronting violence in all its forms and manifestations. The world's religions have experienced abuse by those who seek to misuse religion for their own purposes. In ongoing violent conflicts around the world, religion is being used as a justification or excuse for violence. We must regretfully accept that some groups within our religious communities have indeed sought to employ violence. We must reject this and recommit religions to the way of peace. Religious communities and leaders must stand up, speak out, and take action against the misuse of religion.

The diverse and interconnected threats currently experienced by innumerable members of the human family call for a much broader understanding of violence in the world. The world's religious communities must play a central role partnering with one another and all sectors of society, to prevent and stop war, expose injustice, combat poverty, and protect the earth.

The time to do this is now; and our key to confronting violence is cooperation based on mutual respect and acceptance.

CONFRONTING VIOLENCE

Today, genocide, state-sponsored repression, terrorism, and other forms of human rights abuse violate international law, target innocent civilians, and threaten the safety of many communities. State laws restricting human rights and civil liberties are also a form of violence. Conflict-related disease, famine, displacement and environmental catastrophes constitute serious threats to life. Violence against women and children, including rape, forced pregnancy, enslavement, forced labor, prostitution, the use of child soldiers, and trafficking, has become a tactic of warfare in many conflicts.

Direct physical threats are the most commonly offered definition of violence, but the reality of the diverse and interconnected chronic threats to human survival experienced by millions calls for a much broader understanding of violence in the world. Economic injustices leading to extreme poverty and hunger kill 50,000 people each day. Preventable and treatable diseases kill millions. Twenty-five million people have already died from AIDS, while approximately forty million more are living with HIV and AIDS, and the impact on our communities is devastating. Many corporations, especially at the multinational level, set their business interests without concern for values that foster sustainable development. Environmental degradation and dwindling resources threaten our planet's ability to sustain life.

The poor, the powerless, and the most vulnerable populations disproportionately suffer the consequences of violence in all its forms, ranging from armed conflict to extreme poverty to environmental degradation.

Unfortunately, religion plays a significant role in some of the most intractable and violent conflicts around the world. Religion is being hijacked by extremists, and too often by politicians, and by the media. Extremists use religion to incite violence and hatred and foster sectarian conflict, contrary to our most deeply held beliefs. Religious people need to recognize the reasons why religions are being hijacked, such as through manipulation and misuse of their central principles. Politicians often exploit and manipulate sectarian differences to serve their own ends, frequently dragging religion into social, economic and political disputes. The media also contribute to the scapegoating of religions in conflict situations through disrespectful representations. They also too easily identify parties to a conflict by religious labels and present religion as a source of conflict without reporting the diversity within religious traditions and the many ways that religious communities are confronting violence and working for peace.

A MULTI-RELIGIOUS RESPONSE

As people of religious conviction, we hold the responsibility to effectively confront violence within our own communities whenever religion is misused as a justification or excuse for violence. Religious communities need to express their opposition whenever religion and its sacred principles are distorted in the service of violence. They should take appropriate steps to exercise their moral authority to oppose attempts to misuse religion.

There are religious and ethical imperatives for multi-religious cooperation to resist and reject violence, prevent it when possible, as well as promote reconciliation and healing.

Our religious traditions call us to care for one another and to treat the problems faced by others as our own. Violence against any individual is an attack against all and should prompt our concern. Religious communities know that they are especially called to stand on the side of the most vulnerable, including the poor, the marginalized, and the defenseless. Our religious traditions acknowledge the fundamental vulnerability of human life. The vulnerability of each person should make us recognize the need to respond to the vulnerability of all persons.

There are also practical grounds for cooperation. No group is immune to violence or its consequences. War, poverty, disease, and the destruction of the environment have direct or indirect impacts on all of us. Individuals and communities deceive themselves if they believe they are secure while others are suffering. Walls can never be high enough to insulate us from the impacts of the genuine needs and vulnerabilities of others. No nation can be secure while other nations are threatened. We are no safer than the most vulnerable among us.

The efforts of individual religious communities are made vastly more effective through multi-religious cooperation. Religious communities working together can be powerful actors to prevent violence before it erupts, diffuse conflict, mediate among armed groups in the midst of conflict, and lead their communities to rebuild war-torn societies.

Religious communities are called not only to reject war and foreign occupation, sectarian violence, weapons proliferation, and human rights abuse, but also to identify and confront the root causes of injustice, economic inequalities, governance failures, development obstacles, social exclusions, and environmental abuses.

SHARED SECURITY

The moral and ethical convictions of our diverse religious traditions provide a moral foundation for confronting violence in its many forms and for suggesting a vision of shared security.

Existing notions of security inadequately address violence in its many forms. National security does not necessarily ensure peace; in fact, it often promotes violence and foments insecurity. Armed conflict takes place between states, and increasingly within states and among non-state actors. Human security acknowledges the solidarity of the human family by approaching security from the perspective of human rights and needs. But defining human security in these terms fails to address adequately how these needs are to be met and who is responsible for ensuring them.

A well-developed concept of shared security articulates security needs, how they are to be met, and the necessary agents, instruments, and relationships to achieve it.

Importantly, shared security would highlight the collective responsibility of all people to meet our common need for security.

Shared security requires all sectors of society to acknowledge our common vulnerabilities and our shared responsibility to address them. It is undertaken collectively by multiple stakeholders acknowledging that every sector of society must confront violence if we hope to do so effectively. It supports participatory and democratic forms of governance. Governments, international organizations, civil society, and religious communities themselves must all advance shared security. Effective shared security spans boundaries of geography, nationality, ethnicity, and religion. It marshals human responsibility, accountability and capacity wherever it exists.

Effective shared security, at all levels of community, meets national security needs; acknowledges and addresses both direct and chronic threats to individual physical security; and protects the poor, the powerless and the most vulnerable. It strengthens governance efforts and addresses the disparities and inequities of globalization. Shared security supports religious communities and religious leaders in their efforts to oppose the abuse of religion for violent ends and to build institutions for collaboration among governments, all elements of civil society and religious communities. A commitment to shared security enables multi-religious networks, such as the global Religions for Peace network, in their efforts to transform conflict, build peace, struggle for justice, and advance sustainable development.

RELIGIONS FOR PEACE

Religions for Peace has become a major global multi-religious voice and agent for peace. Guided by respect for religious differences, the global Religions for Peace network fosters multi-religious collaboration harnessing the power of religious communities to transform conflict, build peace, and advance sustainable development.

We, the delegates of the Eighth World Assembly of Religions for Peace, are firmly united in our commitment to prevent and confront violence in all its forms and confident in the power of multi-religious cooperation to advance a common vision of shared security. We are determined to mobilize our religious communities to work together and with all sectors of society to stop

war, struggle to build more just communities, foster education for justice and peace, eliminate poverty and advance sustainable development for future generations.

A MULTI-RELIGIOUS CALL TO ACTION

As religious leaders, we commit ourselves to advance shared security through advocacy, education, and other forms of multi-religious action, and to share this Kyoto Declaration within our religious communities.

We call on all sectors of society—public and private, religious and secular—to work together to achieve shared security for the human family.

Specifically, the Religions for Peace World Assembly calls on:

(1) Religious communities to:

Resist and confront any misuse of religion for violent purposes;

Become effective educators, advocates and actors for conflict transformation, fostering justice, peacebuilding, and sustainable development;

Draw upon their individual spiritual traditions to educate their members on our shared responsibilities to advance shared security;

Strengthen peace education on all levels;

Hold governments accountable for the commitments they make on behalf of their peoples;

Network locally, nationally, regionally and globally to foster multi-religious cooperation among the world's religious bodies; and

Partner with governments, international organizations and other sectors of society to confront violence and advance a new notion of shared security.

(2) The global network of Religions for Peace to:

Foster high-level multi-religious cooperation around the issue of shared security;

Build, equip, and network inter-religious councils locally, nationally, and regionally;

Strengthen the global Religions for Peace network as a platform for collaboration to advance shared security;

Further commit to actions for women's empowerment and women's human rights within its structures at all levels;

Embrace the central position of religious women and place gender concerns at the center of the shared security agenda;

Keep religious youth and their concerns at the center of its agenda and promote their full involvement in advancing shared security;

Support and collaborate with the Peacebuilding Commission of the United Nations;

Advocate practices that advance sustainable development and environmental protection; and

Partner with all sectors of society, especially in the fight against HIV/AIDS.

(3) Governments, International Organizations, and the Business Sector to:

Support the efforts of religious leaders to address violence within and beyond their communities, and include them as appropriate in political negotiations surrounding conflict situations;

Forge partnerships with religious communities to achieve the Millennium Development Goals to eradicate extreme poverty and hunger, combat disease, and advance sustainable development;

Harness advances in science and technology toward peaceful purposes and to eliminate poverty and advance sustainable development; and

Seek out religious networks for their ability to reach vast numbers of people and their capacity to effect change.

We ask all people of goodwill to support and collaborate with religious communities as we work toward shared security for all.

These commitments and the calls to action that arise from them express our most deeply held and widely shared religious beliefs.—Kyoto, Japan, August 29, 2006.

TELECOM REFORM

Mr. VITTER. Mr. President, I rise today to highlight the critical need we have in this country for broadband deployment. We are currently ranked 12th in the world in broadband deployment, and we must improve on this meager standing to be competitive in the world market.

The telecom reform legislation that has been reported by the Senate Commerce Committee is the right step in encouraging more broadband. I applaud Chairman STEVENS and the rest of the committee for reporting this important bill. We need to end bureaucratic regulation on the video and broadband markets so that more competition will come to the marketplace. Americans deserve to have choices in who provides their telephone service, their cable service, and their broadband internet service. We have the opportunity to get this done for our constituents, and I urge the Senate to pass H.R. 5252, The Advanced Telecommunications and Opportunity Reform Act of 2006, expeditiously.

Telecom reform has hit the national stage, and I was proud to support the Advanced Telecommunications and Opportunity Reform Act of 2006 when the Commerce Committee carefully considered the legislation. Our committee voted on this bill over 10 weeks ago, so it's time for the Senate to act. This is our chance to get it right on telecom reform and save cable consumers money on their bills. Despite the hard work of the Commerce Committee, some of our colleagues are holding up this important bill. I believe it is past time to bring this bill to the floor for a debate and a vote.

This legislation will usher video competition into communities across the U.S., and it will catapult rural areas into the 21st century digital era. By setting national franchise standards, negotiations between video service providers and local authorities will change from a years-long struggle to a maximum of 90 days. Accelerating the entrance of new companies into our communities will increase television choices, which ultimately lead providers to lower their rates and improve their service.

By doing away with the unnecessarily long local franchise process, current and new companies can quickly reach rural communities, where we need it most. Small companies that can't possibly break through the existing red tape will be able to quickly roll out quality service to cable- and high-speed-deprived areas. At the same time, larger companies will have opportunities to increase their investment and build better services to reach even more customers. This is a win-win situation for my State and the country.

Also, this bill has numerous other critical components—one of which being the assistance it provides to our Nation's first responders. The First Responder Coalition, a group consisting of tens of thousands of concerned citizens and first responders, strongly supports this legislation as it delivers key assistance for interoperability. ''Interoperability'' is a term that refers to local, State, and Federal agencies being able to communicate effectively during the time of a crisis. This legislation will allocate up to $1 billion in much-needed funds to first responders specifically for interoperable communications, and my amendment adopted in committee will speed up the delivery of that important funding. As we witnessed in last year's devastating hurricane season, local governments need dedicated and easily accessible technology so they can communicate with each other, as well as State and Federal authorities in the event of similar circumstances that require critical early responses. In Louisiana, nothing could be more important for us.

I am asking us today to heed the call for the entire country deserving for the great benefits of this bill. We have an opportunity to get the job done right—once and for all—for America's consumers. We need choices in television providers, more broadband deployment, vital interoperability funding, and more technology to rural areas. The Advanced Telecommunications Opportunity Reform Act of 2006 is the right next step for us.

HISPANIC HERITAGE MONTH

Mr. FEINGOLD. Mr. President, today and throughout Hispanic Heritage Month, we honor the proud history of our Nation's Hispanic community, and we pay tribute to the extraordinary contributions that people of Hispanic heritage have made and continue to make to the United States.

In 1968, Congress authorized President Lyndon Johnson to proclaim a week in September as National Hispanic Heritage Week. The observance was expanded in 1988 to a month-long celebration. During this month, America celebrates the culture and traditions of Spain, Mexico and the Spanish-speaking nations of Central America, South America and the Caribbean. The celebration begins on September 15 because that is the anniversary of independence of five Latin American countries—Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. In addition, Mexico and Chile celebrate their independence days on September 16 and September 18, respectively.

National Hispanic Heritage Month celebrates people whose roots extend back to more than 20 different nations around the world and who are an integral part of America's communities. Currently, there are more than 43 million Hispanic Americans, the fastest growing ethnic group in the United States. Hispanic Americans are the

most decorated ethnic group in the history of our military, and we are deeply grateful for their contributions to our Nation's defense.

Hispanic Americans have made invaluable contributions to every part of American society, from the arts, to medicine to politics to our economy. We are a richer nation in every sense because of those contributions, and because of what they represent—a country that draws strength from its great diversity.

But as we celebrate Hispanic Heritage Month, it is also time to address the challenges that face the Hispanic community, such as lack of access to education and health care, inadequate working conditions, racial profiling and, for many, the difficulty of keeping their families together while working to become legal, permanent residents of this great country.

This celebration should serve as a call to action for Congress. We must ensure that Hispanic Americans have access to educational and economic opportunities as they pursue the American dream. I have long fought attempts to cut funding for important programs such as Pell grants, the High School Equivalency Program, and College Assistance Migrant Program. I have cosponsored the DREAM Act—the Development, Relief, and Education for Alien Minors Act—which would provide higher education opportunities for children who are long-term U.S. residents of good moral character, and who came to this country illegally as children through no fault of their own.

Another crucial piece of legislation is AgJOBS—the Agricultural Job Opportunities, Benefits, and Security Act. This proposal would enable undocumented agricultural workers to legalize their status, and would reform the H2–A agricultural worker visa program so that growers and workers will not continue to rely on illegal paths to employment in the future.

Congress must also continue working toward establishing a realistic immigration system that has adequate opportunities for people to come to the United States legally. In Wisconsin, businessowners have come to rely on foreign workers for their economic success. Simply imposing new border security measures alone, which some have advocated, is not enough.

In closing, I want to express my hope that Congress will work to address these issues and other urgent matters for Hispanic Americans across the country. We should not limit our celebration of Hispanic Heritage to one month but rather work all year long to ensure that all Hispanic Americans can equally participate in, and contribute to, the progress of our great Nation.

TRAGEDY STRIKES AGAIN

Mr. LEVIN. Mr. President, it is unfortunate that it sometimes seems to require high profile tragic school shootings to focus the Nation's attention on the easy access to guns by young adults and children. Sadly, we find ourselves once again examining the subject in the aftermath of not one, but two shootings.

On April 27, 1999, we paused in the Senate to observe a moment of silence in tribute to those who died at Columbine High School and to express our sympathy for their loved ones. Since that tragedy, tens of thousands of people have been killed by guns and, according to the Brady Campaign, there is an unlocked gun in one of every eight family homes.

On September 13, 2006, a 25-year-old-man opened fire in the cafeteria at Dawson College in Montreal, Canada. He began firing randomly at students killing one and injuring 19 others. Five of those injured are in critical condition. Wielding a rapid-fire rifle in addition to two other weapons, the shooter walked through the halls of the college shooting indiscriminately. Prior to the incident, the shooter had openly expressed his fondness for the events surrounding the 1999 slaughter at Columbine High School. While this episode took place in Canada, similar incidences have occurred all too frequently in the United States.

On September 17, 2006, five Duquesne University basketball players were shot while leaving a school dance. So far, two young men have been arraigned on charges of attempted homicide, aggravated assault, criminal conspiracy and weapons-related offenses. A 19-year-old woman has been arrested on charges of reckless endangerment, carrying a firearm without a license and criminal conspiracy. One player, remains in critical condition with one bullet and fragments of another in his head.

It is impossible to come to terms with these or any of the other shooting tragedies that have claimed the lives of far too many young people. Yet after such tragedies, we ask ourselves if they might have been prevented. The answer, of course, at least in part is yes. Congress can and must work to keep guns out of the hands of young people.

What will it take to pass legislation that requires firearms to be sold or transferred with storage or safety devices? What will it take to pass child access prevention legislation, which would require adults to store firearms safely and securely in places that are reasonably inaccessible to children? Congress and the President should work to enact these and other common-sense gun safety reforms that will keep our young people alive and safe.

PHYSICIAN REIMBURSEMENT

Mr. ALLARD. Mr. President, I come to the floor today to speak about an issue that would greatly impact this country's physicians and our constituents ability to access care. The issue of physician reimbursements under Medicare is important to me and my Colorado constituents. Congress was able to take steps to address the reimbursement issue for 2006, but once again physicians are faced with the possibility of a decreased reimbursement for 2007. Many physicians and physician groups have contacted Congress, requesting that the problem be addressed.

Ellice Zirinski, who works in Family Practice in Arvada, CO, wanted Congress to know that she would strongly urge them to take action and increase Medicare reimbursement to physicians. Should reimbursement decline as legislated, she could no longer afford to give care to her patients and stay in practice. She does not want to jeopardize her patients' access to care. We need to find a way to provide physicians with a positive reimbursement before January 2007. For some time, physicians in Colorado have been concerned with the possibility of a reduction in their reimbursement schedule.

I am greatly concerned with the fact that hospitals, nursing homes, and other Medicare providers continue to receive positive updates, while private physicians are forced to no longer accept Medicare patients, or, even worse, forced out of practice. Tom Mino, a Doctor of Osteopathy in Broomfield, CO, told me, ''I may have to consider a change in occupation—or at least move away from solo practice.'' This trend could result in more physicians practicing in an institutional setting instead of private practice. This concerns me greatly.

I have heard time and time again that Colorado's rural physicians will have no other choice than to stop accepting Medicare patients. Mark Laitos, an M.D. in Longmont, CO, said, ''I live in a small town. My patients are my friends and my friends are my patients. We go to church together. I won't abandon them, but my biggest worry is that my practice will be overrun with new Medicare patients as more and more of my colleagues make the decision to stop seeing Medicare patients.'' That means that my rural constituents will no longer have access to care.

The final conference agreement on the Deficit Reduction Act of 2005, S. 1932, approved February 1, 2006, overrode the mandatory 4.4 percent decrease for 2006 by freezing payments at the 2005 levels. A freeze in the physician reimbursement rate for 2007 is not enough. We need to take steps to ensure that physicians receive a positive reimbursement update.

The issue of physician reimbursement affects the entire United States and all of our constituents. Because of this, I urge my colleagues to take the necessary action to ensure that physicians receive a positive Medicare reimbursement update for 2007.

RELIGIOUS LIBERTY AND CHARITABLE DONATION CLARIFICATION ACT OF 2006

Mr. HATCH. Mr. President, I rise today in support of the Religious Liberty and Charitable Donation Clarification Act of 2006. My distinguished colleague from Illinois, Senator OBAMA, and I have worked diligently and quickly to clarify the treatment of charitable contributions in chapter 13 of the Bankruptcy Code. As many of my colleagues know, a bankruptcy court in the Northern District of New York recently upheld an objection to the confirmation of a chapter 13 plan due to the inclusion of a charitable contribution in the disposable income calculation. Shortly after learning of the decision I, along with Senators GRASSLEY and SESSIONS, sent a letter to the Department of Justice expressing my concern about the treatment of charitable contributions in the Chapter 13 context, and while I believe the Department of Justice will affirm its policy of allowing charitable contributions that are consistent with the Religious Liberty and Charitable Contribution Protection Act of 1998, I do not want the religious practices and beliefs of individuals subject to the vagaries of judicial interpretation.

As a whole, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, BAPCPA, was—and still is—a good bill. However, like many large bills, it was not perfect. As a key architect of the recent bankruptcy reforms, I can say without equivocation that Congress intended to preserve the Religious Liberty and Charitable Contribution Protection Act of 1998 in BAPCPA. Unfortunately, the Northern District of New York thought differently.

I do not like impromptu legislative responses to judicial decisions, particularly ones with limited precedential value; however, I believe that Senator OBAMA and I have put together a narrowly-tailored clarification that leaves little doubt about Congress' intent when it passed BAPCPA. I want to make it very clear that this bill does not, in any way, affirm the Northern District of New York Bankruptcy Court's reasoning in In re Diagostino. I agree with the Department of Justice's position that charitable contributions consistent with the requirements of the 1998 Religious Liberty and Charitable Contribution Protection Act should be allowed under the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. The bill that Senator OBAMA and I introduced is meant to simply clarify existing law in furtherance of the Department's interpretation and Congress's intent.

HONORING AMERICAN INDIAN CODE TALKERS

Mr. JOHNSON. Mr. President, I wish to speak today of the Code Talkers Recognition Act, which passed the Senate last week with 79 cosponsors. This bill would present commemorative medals to Sioux, Comanche, Choctaw, Sac and Fox, and any other Native American code talkers that served during World War I and World War II in recognition of the contributions of their service to the United States.

Earlier this summer, I, along with Senator JOHN THUNE, were able to present Clarence Wolf Guts, our last remaining Lakota code talker, with a star quilt on behalf of the National Indian Education Association. Mr. Wolf Guts is now 83 years old and is of Oglala and Rosebud descent. Mr. Wolf Guts attended St. Francis Indian School in Marty, SD, and spent most of his life living on the Pine Ridge Reservation. He now lives in a state veteran's home in Hot Springs, SD.

In his late teens, Mr. Wolf Guts enlisted in the Marines and served as a radio operator during World War II. He has become a spokesman among tribal elders and traditional leaders about the importance of keeping native languages alive for future generations. He is very proud to be a veteran, a full-blooded Lakota, and a Lakota speaker.

Earlier this year, another Lakota code talker, Charles Whitepipe, passed away. Mr. Whitepipe, a Sicangu Lakota from the Rosebud tribe, valiantly served in the Army as a Code Talker in World War II. He served as a ''Forward Observer'' on Japanese-held islands in the South Pacific, communicating by radio with a ship-based partner, using the Lakota language to direct artillery fire from ships at sea onto the islands.

Other Lakota code talkers that will also be recognized in this legislation include Eddie Eagle Boy, Simon Brokenleg, Iver Crow Eagle, Sr., Edmund St. John, Walter C. John, John Bear King, Phillip ''Stoney'' LaBlanc, Baptiste Pumpkinseed, and Guy Rondell.

During World War II, these men were Army radio operators who used their native Lakota, Nakota, and Dakota dialects to transmit strategic messages to foil enemy surveillance in both the Pacific and European theaters. There is no doubt that the bravery and the courage of Mr. Whitepipe and Mr. Wolf Guts, as well as the other code talkers, helped to make the United States the free and proud place it is today. While Navajos have received the most recognition, it is important to remember that members of at least 17 other tribes also served as code talkers in World War I and World War II.

The syntax and tonal qualities of the native languages were so complex that no message transmitted by any code talker was ever decoded by the enemy. However, for the code talkers who returned home, there were no parades or special recognition, as they were sworn to secrecy, an oath they kept and honored but one that robbed them of the accolades and place in history that they rightfully deserved.

The accomplishments of the code talkers were even more heroic, given the cultural context in which they were operating. Subjected to alienation in their homeland and discouraged from speaking their native languages, they still stepped forward and developed the most significant and successful military code of their time. That spirit of military service continues today. Native Americans make up a higher percentage of servicemen and servicewomen in the Armed Forces than any other ethnic group in America. They have served with honor in all of America's wars, beginning with the Revolutionary War and on through our current operations in Iraq.

I commend the work of Senators INHOFE, GRASSLEY, HARKIN and THUNE for their work in moving this bill forward, as well as the leadership of the Banking Committee, Senators SHELBY and SARBANES. It is now time to honor all of our native code talkers that have contributed to the safety of our Nation.

TELEPHONE RECORDS AND PRIVACY PROTECTION ACT OF 2006

Mr. LEAHY. Mr. President, we have recently been reminded of the tremendous threat to consumer privacy posed by what is known as phone pretexting—the use of fraud and deception to acquire consumer phone records. The investigation into pretexting at Hewlett-Packard is just the latest example of why there is a need to enact legislation to safeguard the privacy and security of Americans' sensitive personal data.

Consumer telephone records have become a hot commodity and this information is a treasure trove for those who would misuse it to make a profit or who exploit it for harmful purposes. More and more, this sensitive personal information is being collected, stored and disseminated without our knowledge or consent.

Last Spring, the Senate Judiciary Committee unanimously reported a bipartisan bill that would protect the privacy interests of millions of American consumers who use cell phones, by making the act of pretexting illegal. The Telephone Records and Privacy Protection Act—TRAPP Act—S. 2178, clarifies that it is illegal to use deception and fraud to obtain and sell confidential phone records. The bill ensures that the Department of Justice has the legal authority to seek criminal penalties and up to 10 years imprisonment for anyone who engages in pretexting. The legislation also preserves the rights of State and local governments to enforce their own privacy laws, to best protect the privacy rights of consumers.

In April, the House unanimously passed an essentially identical phone pretexting bill, H.R. 4709. The language used in that bill was worked out with Senators from both sides of the aisle before it was considered by the House, so that when adopted by the Senate it could be sent directly to the President

for his signature. I have worked for months now to make progress on that bill and it has been cleared for passage twice by all Democratic Senators. First, we cleared it with an amendment that would have also passed the Second Chance Act and consensus court security measures. When Senate Republicans refused to clear that measure, Senate Democrats also cleared the bill for passage in the identical form that it passed the House and without any amendments. An anonymous Republican hold on the measure is preventing its passage.

I know of no legitimate reason for this delay. The Senate could pass this bill today and send it to the President to be signed into law. Instead of passing this bipartisan privacy legislation, it appears this Republican-led Congress will recess without acting on this bill—forcing millions of Americans to continue to play Russian roulette with their sensitive personal information.

This week the former chair of Hewlett Packard, Patricia Dunn, called on Congress to pass bright-line laws regarding phone pretexting to avoid a repeat of the fiasco at HP. The TRAPP Act would do exactly that. This bill would help shut down the growing black market for consumer telephone records.

I support this bill and I commend the bill's lead cosponsors in the Senate and the House—Senators SPECTER, SCHUMER and DURBIN, and Representatives LAMAR SMITH and JOHN CONYERS—for their leadership on this privacy issue. I hope whoever is objecting on the Republican side will stop the needless delay of this legislation. If there is a legitimate concern, come forward and work with us.

The Senate should also act on a more comprehensive privacy bill that Chairman SPECTER and I have cosponsored—the Personal Data Privacy and Security Act, S. 1789. This important measure was favorably reported by the Judiciary Committee last November. But, the Republican Senate leadership would not allow this bill to be considered by this Congress either.

Our bill requires companies that have databases with sensitive personal information about Americans to establish and implement data privacy and security programs. The bill also requires data brokers to provide notice to consumers when their sensitive personal information has been compromised.

We have a bill that significantly advances the ball in protecting the privacy of all Americans, and I will continue to work to move this legislation toward passage.

U.N. SUPPORT OF THE CYPRIOT PEACE PROCESS

Mr. BIDEN. Mr. President, the country of Cyprus has occupied a special place in my heart for many years. My admiration for the island and its people grew in recent months as Cypriots opened their arms to assist the thousands of American citizens who fled from Lebanon during this summer's fighting between Hezbollah and Israel. This exceptional display of Hellenic hospitality has reaffirmed Cyprus's importance as a safe harbor amid the unsettled waters of the eastern Mediterranean and a key partner for the United States.

For far too long, however, Cyprus has existed as an island divided. An invasion by Turkey in 1974 needlessly separated the island's ethnically Greek and Turkish citizens—two communities that had successfully coexisted for centuries. A generation has now grown to adulthood on either side of a Green Line that segregates Cypriots from both their peaceful shared history and their promising shared destiny. Mr. President, I believe we must correct this wrong before another generation endures a similar fate.

In 2004, United Nations Secretary General Kofi Annan presented a plan to reunite the island's two communities. The Annan plan certainly wasn't perfect, but it brought the island closer to reunification than any peace initiative in the past three decades. After the plan failed to gain the support of the Greek Cypriot community in an April 2004 referendum, the drive to unify the island largely stagnated, and the U.N. closed its ''good offices'' mission in Nicosia that had worked to facilitate peace negotiations.

Over the summer, I have been encouraged by the first real signs of movement toward a settlement since the Annan plan was rejected. Ibrahim Gambari, the United Nations Under Secretary General for Political Affairs, visited Cyprus in July and presided over a joint meeting between the President of the Republic of Cyprus, Tassos Papadopoulos, and the head of the Turkish Cypriot community, Mehmet Ali Talat. The two leaders reaffirmed their commitment to seek a political settlement in an agreement signed on July 8. They are now poised to begin a new round of technical talks that I hope will move the peace process forward.

Mr. President, others have rightly stated that Cypriot problems need Cypriot solutions, but I am convinced that those solutions won't be forthcoming without the forceful support of the international community. For years, the United Nations has played a critical role in Cyprus, maintaining a ceasefire and facilitating a political settlement. Under Secretary Gambari will report to the U.N. Security Council in the beginning of December, and the Security Council and Secretary General will subsequently decide whether to renew the mandate of UNFICYP, the U.N. Peacekeeping mission in Cyprus, and reopen the Secretary General's good offices mission in Nicosia.

Greek and Turkish Cypriot leaders should take advantage of this window of opportunity and launch the technical talks they committed to as part of the July 8 agreement. Once they do, the international community should be ready to support them. I am convinced that given the right conditions and adequate international backing, a solution in Cyprus is both possible and attainable. I hope that members of the Security Council will reach the same conclusion and act accordingly when the issue is before them, and that the new U.N. Secretary General will build on Secretary General Annan's leadership to facilitate a peaceful resolution of this long-running conflict.

When it finally happens, the reunification of Cyprus will have significance far beyond the shores of the Mediterranean. A united Cyprus will stand as an example to the world of how different ethnic groups can overcome past wrongs, bridge differences, and live together as neighbors. At a time when too many countries are beset by demons of ethnic and sectarian hatred, it is more important than ever to find an answer to the Cyprus question. If the United States and other members of the international community are willing to act as catalysts for a political settlement, I am confident that future generations of Cypriots can enjoy the peace they rightly deserve.

PROSTATE CANCER AWARENESS MONTH

Mr. JOHNSON. Mr. President, September is Prostate Cancer Awareness Month, and I would like to take advantage of this opportunity to remind men and the women who love them that early detection saves lives.

Prostate cancer is the most commonly diagnosed nonskin cancer in American men and it is one of the leading causes of cancer-related death among men. Approximately one out of every six men will develop it at some point in their lives. In fact, according to the American Cancer Society, more than 230,000 new cases of prostate cancer are diagnosed each year in the United States and, sadly, about 27,000 sons, fathers, brothers and husbands will die of the disease. Fortunately, through early detection and treatment, fewer men are dying and more men are living long and healthy lives following their diagnosis.

A simple blood test, the prostate-specific antigen, or PSA, test can detect prostate cancer, and is usually administered by your regular doctor. Health experts recommend that doctors offer men yearly screening beginning at age 50. However, men with one or more high risk factors should consider starting yearly testing at age 45 or earlier and some may choose to take a PSA test at age 40, to establish a baseline level for future comparison.

Each year my wife Barbara and I sponsor a cancer booth at the South Dakota State Fair in Huron, SD. For many years, we have been able to provide free PSA tests to hundreds of men, and several people have returned to the booth to tell us that the PSA test they

took at the fair detected their cancer, and they are now on the road to a full recovery. Barb and I are grateful that we are able to offer this service, and that it is making a difference for South Dakotans.

Many individuals have had their own lives or the lives of family and friends touched by cancer; I am so grateful that my own battle with this disease had a successful outcome. Prostate cancer is often not an easy subject to discuss, but uncomfortable though the topic may be for some, we must remember that early detection saves lives. My wife Barbara is a two-time cancer survivor, and her experience taught me that early detection and swift treatment is the best defense in fighting any form of cancer.

I am proud to add my voice to those who are working to fight prostate cancer, and to commend them on their indefatigable efforts to raise awareness of the risks, to promote early detection and treatment, and to further our efforts to understand and eliminate this disease. I urge men to discuss their risks and screening options with their doctor, and I urge women to raise this important topic with the men in their lives. Through screening and early detection, we truly can save lives.

HEARING CANCELLATION

Mr. FEINGOLD. Mr. President, the Senate Foreign Relations Committee was supposed to hold its third hearing on Darfur in as many years this week, but it was postponed because the administration couldn't field the appropriate witnesses. In a region where each day means hundreds of innocent lives lost and thousands more terrorized and displaced, time is not on our side.

I want to begin my statement today by acknowledging that there have been some positive developments over the past month relating to the international community's response to the violence in Darfur. I welcomed the passage of United Nations Resolution 1706, a U.S.-backed initiative authorizing a 22,000-strong U.N. peacekeeping force for Darfur. The President's appointment of Andrew Natsios as his Special Envoy to Sudan was long overdue. And, while it isn't perfect, the recently passed bipartisan Darfur Peace and Accountability Act is a first step that reaffirms the United States' determination to lead the way on the long path ahead to achieving a sustainable peace in Sudan.

Unfortunately, none of these developments have changed conditions on the ground. Nor have the strong words that our Government or the international community used to condemn the perpetrators of violence in Darfur over the past few years. In December 2003, the administration issued a statement expressing ''deep concern'' about the humanitarian and security situation in Darfur and calling ''on the Government of Sudan to take concrete steps to control the militia groups it has armed, to avoid attacks against civilians and to fully facilitate the efforts of the international humanitarian community to respond to civilian needs.''

Had Secretary Rice or Ambassador Bolton found the time to speak with us this week, they no doubt would have reiterated the administration's boast that the United States has been the largest single contributor of humanitarian aid to Darfur and the most generous supporter of the existing African Union force. Similarly, some of my colleagues in the Senate are quick to point out that we were the first to condemn the atrocities in Darfur as genocide in July 2004 and have appropriated more than $1.5 billion to ease the suffering of innocent Darfurians since then.

I do not wish to imply that these statements and funds are unimportant. But they are not enough.

For those of us with a long history of engagement in Africa, today's crisis in Darfur is eerily familiar. After all, this is the same regime we saw attack its own citizens in indiscriminate bombing raids and obstruct humanitarian access during two decades of bloody civil war with southern Sudan. The genocide underway in Darfur should not be considered in isolation but in the larger context of Sudan's tumultuous history. We cannot afford to forget that more than 2 million Sudanese were killed and 4.5 million displaced in the north-south civil war that ended with last year's Comprehensive Peace Agreement. That fragile peace, as well as May's Darfur Peace Agreement, now hang in the balance as the Sudanese Government renews its practice of organized atrocities as a method of governance.

More than 2 years after our Government called the violence in Darfur a ''genocide,'' the United States must lead the international community in taking action to stop the ongoing violence and to mitigate further violence.

First, the United States must throw its entire weight behind concerted diplomatic action to convince Khartoum to allow a U.N. peacekeeping force into Darfur. This means that the full array of economic and political incentives at our disposal should be devoted to pressuring those who persist in supporting Khartoum—namely, China, Russia, and the Arab League—to isolate the genocidal regime until it stops targeting civilians and cooperates with U.N. peacekeepers. These countries must not allow their complacency to become complicity in the crimes against humanity being perpetrated in Darfur.

Second, it means bolstering the courageous but inadequate African Union peacekeeping force that has been doing its best to protect the people of Darfur for more than 2 years. At this point, the A.U. force is our only vehicle for establishing stability throughout the region. Unfortunately, in its current form, it is incapable of doing so without significant assistance from the international community. The United States must lead a renewed international effort to provide whatever financial, logistical, technical, and military resources are necessary for the deployment of the robust United Nations peacekeeping force as soon as possible.

Third, the U.S. Government must engage fully in the work required to find a political solution to conflict in Darfur. This means establishing a peace process that will expand the Darfur Peace Agreement to incorporate all militias and political factions in Darfur, along with the Government in Khartoum. While I do not doubt the good intentions of former Deputy Secretary Zoellick, his efforts to create a peace agreement were hasty and incomplete. We will need sustained, detailed, and aggressive engagement with all of the parties to the conflict before we can expect lasting results. While I would like to think that building on the Darfur Peace Agreement might work, it may not. We need to be prepared to start from scratch and build an agreement in which all parties can find common ground.

We also need to begin preparing to introduce additional, more forceful options to stop the genocide. We must signal to Khartoum that the international community will not tolerate continued violence and that it is prepared to use forceful measures to stop it. A NATO-enforced no-fly zone over Darfur would halt the Sudanese Government's indiscriminate bombing campaign and escorts for humanitarian envoys would ensure that aid reaches those who desperately need it. We need to explore this option and identify other avenues to create humanitarian space throughout the region.

The President's new special envoy must get to work immediately. He must work to bring an unprecedented diplomatic force on Khartoum, and he must begin preparing other, more aggressive options should conditions continue to worsen.

Finally, we must signal clearly to those who commit crimes against humanity that the world is watching and that they will be held accountable for their actions via targeted and aggressive sanctions—including financial and travel restrictions—and criminal prosecution. This climate of impunity must be eliminated so that organized atrocities do not become a widespread governance tool.

I would like to close by saying that we should not lose sight of the broader, long-term objective of sustainable peace throughout Sudan. We must devise a comprehensive strategy for expanding the Darfur Peace Agreement to include those parties that have not yet signed and for instituting and strengthening mechanisms to prevent parties from backsliding into full-scale conflict.

Our experience with the Sudanese Government over the past two decades has shown that words mean little. Without immediate and vigorous action, these are only more empty promises to the people of Darfur. Time is

not on our side; we cannot afford to delay any longer or defer to the obstructionist tactics of brutal regimes. The people of Sudan deserve more than our outrage; they deserve our action. And the time to act is now.

THE NEED FOR REAUTHORIZATION OF PUBLIC LAW 106–393

Mr. CRAIG. Mr. President, I rise to make a few comments regarding the Secure Rural Schools and Community Self-Determination Act, or County Payments Act as it has been nicknamed.

Today is a sad day for the 780 counties that benefit from the County Payment Act because with the last day of this fiscal year, the act expires.

In 2000, the Congress passed Public Law 106–393 to address the needs of the forest counties of America and to focus on creating a new cooperative partnership between citizens in forest counties and our Federal land management to develop forest health improvement projects on public lands and simultaneously stimulate job development and community economic stability.

The act has been an enormous success in achieving and even surpassing the goals of Congress. This act has restored programs for students in rural schools and prevented the closure of numerous isolated rural schools. It has been a primary funding mechanism to provide rural school students with educational opportunities comparable to suburban and urban students. Over 4,400 rural schools receive funds because of this act.

Next, the act has allowed rural county road districts and county road departments to address the severe maintenance backlog. Snow removal has been restored for citizens, tourists, and school buses. Bridges have been upgraded and replaced and culverts that are hazardous to fish passage have been upgraded and replaced.

In addition, over 70 Resource Advisory Committees, or RACs have been formed. These RACs cover our largest 150 forest counties. Nationally these 15-person diverse RAC stakeholder committees have studied and approved over 2,500 projects on Federal forestlands and adjacent public and private lands. These projects have addressed a wide variety of improvements drastically needed on our national forests. Projects have included fuels reduction, habitat improvement, watershed restoration, road maintenance and rehabilitation, reforestation, campground and trail improvement, and noxious weed eradication.

RACs are a new and powerful partnership between county governments and the land management agencies. They are rapidly building the capacity for collaborative public land management decisionmaking in over 150 of our largest forest counties in America and are reducing the gridlock over public land management, community by community.

The legacy of this act over the last few years is positive and substantial. This law should be extended so it can continue to benefit the forest counties, their schools, and continue to contribute to improving the health of our national forests.

If we do not work to reauthorize this act, all of the progress of the last 6 years will be lost. Schools in timber-dependent communities will lose a substantial part of their funding. These school districts will have to start making tough budget decisions such as keeping or canceling after school programs, sports programs, music programs, and trying to determine what is the basic educational needs of our children. Next, counties will have to reprioritize road maintenance so that only the essential services of the county are met because that is all they will be able to afford.

Thirty of our colleagues have joined Mr. WYDEN and myself in recognizing the importance of the reauthorization of this act by cosponsoring S. 267. And while we have run out of time in this fiscal year, I look forward to working with my colleagues in the lameduck session to address this issue.

REMEMBERING NATIONAL PUBLIC LANDS DAY

Mr. CRAIG. Mr. President, on September 30, will once again observe National Public Lands Day. For the 13th straight year, thousands of citizens across the country help clean up public parks, rivers, lakes, forests, rangelands, and beaches. These volunteers will hit the ground running and spruce up trails, build bridges, plant trees, and much more. I commend each and everyone of them for their important public service. Their work inspires us to step back and consider just what our public lands mean to us.

Almost 100 years ago, the great conservationist President Teddy Roosevelt addressed a special session of Congress on the subject of our natural resources and spoke words that should be listened to carefully by everyone who has an interest in keeping the United States the most prosperous and dynamic nation on the face of the Earth. ''These resources, which form the common basis of our welfare, can be wisely developed, rightly used, and prudently conserved only by the common action of all the people . . .'' Listen to those words and notice the wise approach of a man considered one of our most radical conservationists, a President who put 234 million acres into the public trust. This is not a man who lived on the ideological extremes. He did not advocate roping off all the land and allowing no admittance. Nor would he stand by and let the land be ransacked and misused. Let me speak again his words: ''. . . wisely developed, rightly used, and prudently conserved . . .'' That approach was correct in 1909, and it is the right one now.

Today's younger generation understands that our natural resources are not limitless, that we can not endlessly exploit them. They are more environmentally savvy perhaps than their parents. And I believe they also grasp the need for smart conservation, for devising collaborative policies that ensure public access to public land now and in the future.

Some lands ought to have restrictions on use. I do not dispute that, and I do not advocate any careless ''rollback'' of environmental regulations. But this is not a time to exact an economic toll on our country by ignoring the resources available for use in our public lands. It is a time to tap into our ingenuity and devise ways to utilize them while responsibly mitigating any environmental impact. This is not an insurmountable challenge; Americans have accomplished more difficult tasks in our history.

Lastly, I would like to emphasize the issue of public ownership. These lands are owned by the people. We policymakers need to always keep that in mind and not just pay this fact lip-service. National Public Lands Day is a perfect time to remind ourselves who owns this land. We must be flexible with the different types of recreation and access to public land that people want.

Mr. President, in closing, let me add that Americans have always had a strong relationship with public lands and have always understood the need to preserve them for posterity. Sometimes we hear it said that people only care for what they themselves privately owned that what is held in common will often fall into disrepair. The work that will be accomplished this September 30th disproves that idea. And I am optimistic that future generations will be enjoying the same public lands we do today.

NOMINATION OF RICHARD HOAGLAND

Mr. ENSIGN. Mr. President, I rise to speak today about an issue of great importance to the Armenian community, the nomination of Richard Hoagland to be the next U.S. Ambassador to the Republic of Armenia.

I respect the office of the President and the powers that are granted to appoint individuals that are in support of the administration's agenda; however, there is justifiable concern about the recall of our Ambassador to a regionally important country and the subsequent nomination of his replacement. The reported reason for the recall of Ambassador Evans revolves around the failure of our Government to officially recognize the Armenian genocide. That is unacceptable.

Once again, I want to go on record as being opposed to the continued denial of the Armenian genocide. The bigger issue is not that of an appointment of this or any official who recognizes his duties and will be diligent in carrying them out but of acknowledging the genocide as part of an appropriate foreign policy.

I have long sought to bring recognition to the crimes perpetuated against the Armenian people as genocide. In fact, I have introduced S. Res. 320, which affirms the Armenian genocide. The resolution calls on the President to state that the slaughter of Armenians by the Ottoman Empire was genocide and to recall the proud history of U.S. intervention in opposition to the Armenian genocide. It is important that the U.S. once and for all reaffirms the incontestable facts of history and allows our representatives to speak out about the crimes perpetuated against the Armenian people from 1915 to 1923. It is my sincere hope that this legislation comes before the full Senate soon.

As we fight to ensure freedom around the globe, we must ensure that our future reflects the lessons of the past. In this case the facts are incontestable. Armenians were subjected to deportation, expropriation, abduction, torture, massacre, and starvation. Yes, the Armenian people were victims of genocide. Genocide at any time, at any place, is wrong and needs to be confronted and remembered.

UNFINISHED BUSINESS

Mrs. BOXER. Mr. President, as the Republican leadership gavels this session to a close, I am disappointed by the inaction and missed opportunities on America's most crucial priorities.

First, although we did finally pass a long overdue port security bill, we still have a long way to go to protect our infrastructure. We knew before 9/11 that our ports are soft targets, and since that terrible day, many experts have continued to warn us that they are vulnerable to attack.

Since the 9/11 attacks, we have spent only $984 million on port security grants, despite Coast Guard estimates that $5.4 billion is needed over 10 years. That total includes the grants that were released this week.

To make matters worse, port security funds aren't reaching the ports that need them the most. In California, port security grants awarded by the Bush administration have fallen from $33.3 million in fiscal year 2005 to $13.3 million in fiscal year 2006, a staggering 60 percent reduction. Despite the fact that California's ports carry over 47 percent of all goods imported into the United States, we are receiving only eight percent of the total port security grants funding.

In addition, the final port security bill lacks the Senate-passed transit and rail security provisions. The last three major attacks have been on transit systems in Madrid, London, and in July, Mumbai. According to APTA, there are $6 billion in transit security needs across the country. But last year, Congress appropriated only $150 million for transit and rail security. That is barely a drop in the bucket. Americans take 33 million trips on transit each day. We must do more to protect them.

The Senate bill also does not consider aviation security. Yes, aviation security has improved greatly in the last five years. But five years after 9/11, we are still not screening cargo loaded on board passenger planes. I am pleased that DHS will launch a pilot program at San Francisco Airport, SFO, this October to check all commercial cargo for explosives on passenger flights, but we should be doing this at every airport in America to ensure the safety of passengers and the solvency of the airline industry.

But until that time, at the very least, we need to use at least one blast resistant cargo container on passenger planes that carry cargo. This was one of the major recommendations of the 9/11 Commission. When I tried to offer an amendment to do just that, the Republican managers of the bill blocked my amendment.

Cost is not the problem here. The price to place one blast-resistant container on planes is about $75 million or a little more than the price of 5 hours in Iraq. The American people deserve to know that we are doing everything we can to keep them safe. We cannot allow terrorists to exploit holes in our aviation security system.

Second, although we passed border fence legislation, we failed to act on the AgJOBS bill, which would provide a much-needed solution to the farm labor shortage crisis that is threatening our nation's farm economy. In California and across America, fruit and vegetables are dying on the vine and rotting in the fields because there are no workers to harvest the crops.

Earlier today, my friend from Georgia, Senator CHAMBLISS, came to the floor to speak against the AgJOBS bill. He said that as he has traveled the country this year holding farm bill hearings, every farmer he met told him to oppose AgJOBS.

Yet, if the Senator from Georgia had come to California, our Nation's largest agricultural State, he would have heard from farmers who desperately need and want the AgJobs bill passed now. And they are not alone. Farmers in States experiencing labor shortages in Idaho, Washington, New York and Florida, among others, want this bill, as do a broad coalition of pro-agriculture groups.

The H–2A program is badly in need of reform, and the AgJOBS bill, which the Senate has already passed with more than 60 votes, enacts those meaningful reforms. These AgJobs will save users money, simplify the program, streamline the litigation process, and bring stability to our nation's agricultural work force.

And third, we also failed to stand up for fair and smooth elections. On Tuesday, Senators DODD, FEINGOLD and I introduced the Confidence in Voting Act of 2006, S. 3943, a simple bill that would reimburse electoral jurisdictions for the cost of contingency paper ballots for the General Election. Under the bill, the jurisdictions would be reimbursed for their documented costs up to $0.75 per contingency paper ballot printed.

This bill is timely in light of the recent problems with voting machines in Maryland, Illinois, Ohio and other states. It is clear that many jurisdictions that use electronic voting machines and other voting systems will need to have a backup plan for the upcoming November 7, 2006, general election.

The Confidence in Voting Act of 2006 would work within the existing structure of the Help America Vote Act of 2002 to provide reimbursement funding for jurisdictions that provide a contingency paper ballot in addition to their existing voting system. The estimated maximum cost of this measure is approximately $15 million a small price to pay to ensure that every American's vote is counted.

The American people deserve better. We face great challenges that will determine our safety and prosperity for years to come. I urge my colleagues to join me in supporting long overdue legislation for the security of our infrastructure, to aid our farmers, and to ensure our right to fair and accountable elections.

DEPARTMENT OF DEFENSE SURVIVOR BENEFITS PLAN

Mr. NELSON of Florida. Mr. President, although we have accomplished much to be proud of in this Defense authorization bill, I am profoundly disappointed that once again we have failed to eliminate the SBP-DIC offset.

For the last 5 years I have been talking about the unfair and painful offset of the Defense Department's survivors benefits plan against Veterans Affairs' dependency and indemnity compensation, or DIC. This offset mistreats the survivors of our servicemembers who die on active duty now and our 100 percent disabled military retirees who purchased this benefit at the end of their careers. It is wrong, we know it, and the Senate has tried to fix it—but we have fallen short again.

I have reminded the Senate of the Good Book's words, that in God's eyes the true measure of our faith is how we look after orphans and widows in their distress. And they are in distress. We are in a violent struggle around the world with brutal and vicious enemies. Sadly, Americans are lost every day.

We must never forget that the families left behind by our courageous men and women in uniform bear the greatest pain. Their survivors' lives are forever altered; their futures left unclear. They suffer the enduring cost of the ultimate sacrifice, and the Nation that asked for that sacrifice must honor it. We are the ones who must recognize that the Nation has an obligation to those who give their lives for our country.

This conference report does not include the Senate's provision to eliminate this offset. In the Senate, we included the funds necessary to support

this change in our version of the budget resolution. Accordingly, the Armed Services Committee included a provision to eliminate the offset, thanks to our chairman, Senator JOHN WARNER. However, the conference could not find a way to bring this to closure. Our eligible survivors are again let down.

Mr. President, I have felt honored over the years to champion this important change in our survivor benefits system. And, although disappointed, I am no less honored or resolved to continue this fight. I thank my many Senate colleagues who have felt as strongly as I about taking care of our military widows and orphans. I look forward to working with them again when we bring this to the Senate again in our next session. Our military men and women, and their survivors would never give up; neither will we.

GLOBAL WARMING REDUCTION ACT OF 2006

Ms. SNOWE. Mr. President, I rise today as the lead cosponsor for the Kerry-Snowe Global Warming Reduction Act of 2006. Six years into the 21st century, global warming should be on a trajectory toward solutions . . . international and domestic policies confronting climate change should already be in place. We believe that our bill will ultimately lead to decisive action to minimize the many dangers posed by global warming by calling for an 85 percent reduction of greenhouse gas emissions no later than 2050. Thankfully, Senator KERRY and I are not working in a policy vacuum as the United States is a party to the 1992 United Nations Framework Convention on Climate Change, which has the objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent ''dangerous anthropogenic interference'' with the climate system.

The risks associated with a temperature increase above two degrees centigrade are grave, including the disintegration of the Greenland ice sheet, which, if it were to melt completely, would raise global average sea level by approximately 23 feet, devastating many of the world's coastal areas and population centers. The Intergovernmental Panel on Climate Change projects that temperatures will rise between 1.4 to 5.8 degrees centigrade, or 2.5 to 10.4 degrees fahrenheit, by the end of the century, under a range of expected emissions trends.

The Kerry-Snowe bill will map out the way to stabilization through a cap and trade system for major sectors of our society and establish the climate reinvestment fund consisting of amounts collected from carbon auctions of allowances and civil penalties. The fund will be used for investment in clean energy research and technology. The bill also provides for a research and development program on global climate change and abrupt climate change research. We also call for a renewable portfolio standard requiring 20 percent of electricity from renewable electricity by 2020, and an updated Renewable Fuel Standard and E85 infrastructure requirements of 10 percent by 2020.

The act also contains vehicle greenhouse gas emission standards for cars and light-duty vehicles as well as medium and heavy-duty vehicles. Importantly, our bill includes a resolution expressing the urgent need for the administration to reengage in international climate negotiations.

I do not come lightly nor lately to the climate change issue. That is why, this past year, when asked by three major independent think tanks—the Center for American Progress in the United States, the Institute for Public Policy Research in the U.K. and the Australia Institute—I accepted the co-chairmanship of the high level International Climate Change Taskforce—the ICCT—to chart a way forward on climate change on a parallel track with the Kyoto Protocol process. This led me to meetings both in Washington and London with my Cochair, the Rt. Honorable Stephen Byers of the U.K. for the international, cross-party, cross-sector collaboration of leaders from public service, science, business, and civil society from both developed and developing countries.

We set out a pathway to solve climate change issues in tandem collaboratively finding common ground through recommendations that are both ambitious and realistic to engage all countries, and, critically, including those not bound by the Kyoto Protocol and major developing countries. Our ICCT report, ''Meeting the Climate Challenge,'' recommends ways to involve the world's largest economies in the effort, including the U.S. and major developing nations, focusing on creating new agreements to achieve the deployment of clean energy technologies and a new global policy framework that is both inclusive and fair. Like the Kerry-Snowe legislation, the ICCT Report calls for the establishment of a long-term objective of preventing global average temperature from rising more than 2 degrees centigrade.

The taskforce arrived at the 2 degrees centigrade temperature increase goal on the basis of an extensive review of the relevant scientific literature that shows that, as the ICCT Report states:

> Beyond the 2 degrees centigrade level, the risks to human societies and ecosystems grow significantly. It is likely, for example, that average temperature increases larger than this will entail substantial agricultural losses, will greatly increase the numbers of people at risk of water shortages, and widespread adverse health impacts.

Our ICCT Report goes on to say that:

> Climate science is not yet able to specify the trajectory of atmospheric concentrations of greenhouse gases that corresponds precisely to any particular global temperature rise. Based on current knowledge, however, it appears that achieving a high probability of limiting global average temperature rise to 2 degrees centigrade will require that the increase in greenhouse-gas concentrations as well as all the other warming and cooling influences on global climate in the year 2100, as compared with 1750, should add up to a net warming no greater than what would be associated with a CO_2 concentration of about 400 parts per million (ppm).

The Kerry-Snowe bill reverses the growth of greenhouse gas emissions starting in 2010 and then progresses to more rapid reductions over time, out to 2050, meant to protect against a temperature rise above 2 degrees centigrade, which is predicted to mean that global atmospheric concentrations of carbon dioxide will not exceed 450 parts per million. The bill gets the US on the right track, but at the same time avoiding any negative impact on our economy.

Achieving success for our policy imperatives means disabusing skeptics and opponents alike of cherished mythologies that environmental protection and economic growth are mutually exclusive. The irony is both are actually increasingly interdependent and will only become more so as the 21st century progresses. Robust companies dedicated to reducing emissions are proof-positive ''going-green'' represents a burgeoning sector of our economy, not the drain and hindrance we've been led to believe for so many years.

And to their credit the most progressive U.S. companies have reduced emissions even further than required in climate bills offered in the Congress to date. In an act of economic acumen, they are hedging their bets by adopting internal targets—and, these companies are saving money by reducing their energy consumption and positioning themselves to compete in the growing global market for climate-friendly technologies. Any cost-conscious CFO or forward-thinking CEO for that matter should admit that to prevent pollution now will most certainly cost less than cleaning it up later.

And the economics of prevention and stewardship resonate more when you consider property that erodes because of rising sea levels, farm land that fails to yield crops and becomes barren and arid, and revenue opportunities squandered because of dwindling fishing stocks caused by hotter temperatures. These represent real costs to the bottom line not to mention irreparable damage to our health and quality of life.

Mr. President, temperatures are rising to levels the earth has not experienced for more than a thousand years. The snows of Kilimanjaro are melting so fast that they may completely vanish in 15 years. Alaska's average temperature has increased nearly five and a half degrees over the past 30 years and explains melting permafrost, sagging roads, and dying forests. A Peruvian glacier in the Andes Mountain, as reported by The Washington Post, is receding at a rate of 360 yards per year, up from a recession rate of just four

yards per year for most of the 1960s and 70s. There is the massive decline in coral reefs critical to sea life worldwide. And in my state of Maine, softwood trees—the heart of our papermaking industry—and sugar maple trees that spur a large tourist industry are in danger of moving northward over the next 50 years, along with our annual potato crop worth approximately $110 million.

We obviously do not have time in this Congress to debate the Kerry-Snowe bill, but we plan to use our bill as a marker to start the debate in the 110th Congress. The United States Congress is fully capable of enacting policies that change our climate for the better and guarantee a better quality of life for the generations to follow.

EXTENSION OF THE HIGHER EDUCATION ACT

Mr. ENZI. Mr. President, I rise today to encourage my colleagues to pass H.R. 6138, which would provide for a temporary extension of the Higher Education Act of 1965 by extending its provisions through June 30, 2007.

This extension, unfortunately, is the sixth time the Higher Education Act has temporarily been extended. It is now critical to move forward with the Higher Education Act and reauthorize the remaining discretionary programs. As my colleagues know, the mandatory portions of the higher education law were reauthorized in February under the Deficit Reduction Act of 2006.

We have the bill out of the Senate Committee on Health, Education, Labor, and Pensions, but haven't had the floor time to debate it. I am making the Higher Education Act a top priority for 2007 because postsecondary education is the key to the future successes of our students, our communities, and the economy.

DISASTER ASSISTANCE REFORMS

Ms. LANDRIEU. Mr. President, like many in Congress, I am disappointed that we are adjourning Congress for the October recess without enacting comprehensive U.S. Small Business Administration disaster assistance reforms. As our small businesses impacted by Hurricanes Katrina and Rita last year can attest, this is an agency that is in woeful need of substantive reforms to its Disaster Assistance Program. Our businesses had to wait 4 to 6 months for SBA disaster loans to be approved, and some are still waiting to this day, for loan amounts to be disbursed.

For my part, I have worked for the past year to enact substantive SBA disaster reforms to ensure that 'lessons learned' from Katrina and Rita were incorporated and that businesses nationwide could count on a better prepared and more efficient SBA should a disaster strike their community. Under the leadership of the chair and ranking member of the Senate Small Business Committee, Senators OLYMPIA SNOWE and JOHN KERRY, we sent to the Senate floor bipartisan legislation, S. 3778, which along with reauthorizing SBA programs, also enacts comprehensive SBA disaster reforms. Instead of working with us to take up and pass this important bill, the administration has frustrated this bill's passage at every turn and will not allow it to the Senate floor for consideration—almost 9 weeks after it was introduced. I am concerned about this lack of urgency from the SBA and the administration so just this week, I sent a letter to the new SBA Administrator Steve Preston. In this letter, I requested his cooperation with our committee to pass this important legislation before Congress adjourns at the end of the year.

I will ask that a copy of this September 27, 2006, letter be printed in the RECORD.

As we adjourn tonight, I note that we are set to pass legislation which temporarily extends programs under the Small Business Act until February 2, 2007. Although I do believe it is essential to extend these SBA programs, I worked with my colleague Senator KERRY to revise this date to November 17, 2006. This November date would have ensured that the Congress would have to return in November and at least attempt to pass SBA Disaster reforms. Instead, with these programs authorized through February 2, 2007, the Congress will adjourn in September 2006 and not take up SBA reauthorization until at least February 2007. I am disappointed by this development because, as elected officials, I believe it sends the wrong signal to our small business community.

If the Congress, in partnership with the SBA, does not address these systemic problems now, I am afraid that it will continue to plague the SBA's disaster response for future disasters. I believe there is a general consensus that these reforms need to get done. Therefore, I will continue my work with my colleagues from sides of the aisle to make these essential improvements this year.

Mr. President, I ask unanimous consent that the letter to which I referred be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, September 27, 2006.

Hon. STEVEN C. PRESTON,
Administrator, U.S. Small Business Administration, Washington, DC.

DEAR ADMINISTRATOR PRESTON: Let me take this opportunity to again congratulate you on your confirmation as Administrator of the U.S. Small Business Administration (SBA). Your management experience and passion to serve will prove extremely helpful to you in this challenging position.

I write you today because, as a member of the Senate Committee on Small Business and Entrepreneurship, as well as senator from a state hit hard by both Hurricanes Katrina and Rita, I believe it is my duty to ensure that we implement substantive changes to SBA's Disaster Assistance Program during this session of Congress.

The SBA's response to Hurricanes Katrina and Rita was too slow and lacking in urgency-threatening the very survival of our affected businesses. A year has passed since Hurricanes Katrina and Rita, yet while Congress is currently acting on extensive reforms for the Federal Emergency Management Agency (FEMA), there has been only incremental changes to SBA's Disaster Assistance Program. That is why I am pleased to learn that you have recently created the Accelerated Disaster Response Initiative to identify and help implement process improvements to enable the SBA to respond more quickly in assisting businesses and homeowners in need of assistance after a disaster. I applaud these efforts and your leadership on this issue. But much more must be done to address the systemic problems that led to delays and inaction post-Katrina and Rita.

For our part, the Senate is also attempting to address the multiple problems that hampered SBA's ability to assist impacted Gulf Coast small businesses and homeowners. Under the leadership of the Chair and Ranking Member of the Senate Committee on Small Business and Entrepreneurship, Senators Snowe and Kerry, the committee voted unanimously to approve S. 3778, the ''Small Business Reauthorization and Improvements Act of 2006'' and sent it to the full Senate for consideration. A copy of the bill is attached for your convenience. This bipartisan legislation re-authorizes SBA programs, and also of great importance to me and my constituents, makes essential reforms to SBA's Disaster Assistance Program. However, Since S. 3778 was introduced on August 2, 2006, almost nine weeks ago, it has been blocked from consideration and the Committee is still waiting for budget information so that it may file its report on the bill. It is my understanding that the administration and SBA has several concerns about this bill in its current form.

I am very concerned at this apparent deadlock, a deadlock which threatens our bipartisan efforts to implement comprehensive SBA Disaster Assistance reforms before the end of the year. In particular, I believe that there must be SBA reforms in the following areas:

Short-Term Assistance: Following Katrina and Rita small businesses waited, on average, four to six months for approvals and disbursements on SBA Disaster Loans. In order to ensure the long-term survival of small businesses impacted by a catastrophic disaster, SBA needs to be in the business of short-term recovery-by providing either emergency bridge loans or grants.

Disaster Loan Process for Homeowners: While SBA's mission is to ''aid, counsel, assist and protect, insofar as is possible, the interests of small business concerns'' it also has the added responsibility of helping affected homeowners rebuild their housing post-disaster. Katrina and Rita resulted in record numbers of SBA Disaster Loan applications from homeowners, which strained SBA's existing resources and personnel. If the SBA must bear this responsibility, the agency should improve the process as well as possibly seek greater coordination and cooperation with the U.S. Department of Housing and Urban Development on disaster housing assistance.

Expedited Disaster Loans to Businesses: The SBA currently has no mechanism in place to expedite Disaster Loans to impacted businesses that are either a major source of employment or that can demonstrate a vital contribution to recovery efforts in the area, such as businesses who construct housing, provide building materials, or conduct debris removal. The SBA need the ability to fast-track loans to these businesses, in order to jumpstart local economies and recovery efforts.

Economic Injury Disaster Loans: Although Katrina and Rita directly affected businesses along the Gulf Coast, additional businesses in the region, as well as the rest of the country, were economically impacted by the storms. The SBA must have the ability to provide nationwide, or perhaps regional, economic injury disaster loans to businesses which can demonstrate economic distress or disruption from a future major disaster.

Loss Verification and Loan Processing: Following the Gulf Coast hurricanes, the SBA struggled for months to hire enough staff to inspect losses and process loan applications. Although SBA now has trained reserves to handle such surges in demand, the SBA also needs the permanent authority to enter into agreements with qualified private lenders and credit unions to process Disaster Loans and provide loss verification services.

Administrator Preston, I was impressed by your expressed willingness to be a bridge between Congress and the White House. For the SBA to truly bring its disaster capabilities to the next level, I believe that it must work in concert with the Congress. Together, we must remove layers of bureaucracy and red tape, which, following Katrina and Rita, both overwhelmed and frustrated dedicated SBA employees and those affected by the hurricane must also give the SBA new tools to ensure that problems that occurred post-Katrina and Rita never happen again.

Last month we marked the one-year anniversary of Hurricane Katrina, and now mark the one-year anniversary of Hurricane Rita. It is essential that we take action now to make substantive reforms to the SBA Disaster Assistance Program. We owe nothing less to our small businesses. I ask that you continue working with my office on this important issue and respond to our approach in writing no later than October 31, 2006. This will help us develop a proposal which can address the concerns of the SBA as well as provide a better and more responsive SBA Disaster Assistance Program for our small businesses.

Thank you in advance for your assistance with this request.

Sincerely,

MARY L. LANDRIEU,
U.S. Senator.

INDIAN GAMING REGULATORY ACT

Mr. BAUCUS. Mr. President, I have filed an amendment to S. 2078, the proposed Indian Gaming Regulatory Act Amendments of 2006. The amendment would require the National Indian Gaming Commission, the NIGC, to utilize the well-accepted negotiated rulemaking process in promulgating any regulations required to implement the provisions contained in S. 2078. Let me take a moment to explain the amendment.

Congress adopted the Negotiated Rulemaking Act in 1990. It appears at 5 USC, sections 561 and following. Congress permanently reauthorized the act in 1996. It provides an alternative to adversarial rulemaking. It saves time and reduces litigation.

The Negotiated Rulemaking Act allows interested stakeholders and the Federal agency to be a part of the process. Negotiated rulemaking is a process by which tribes and Government agencies enter into negotiations in good faith and reach consensus on proposed rufts. All the legal requirements of notice, such as publication in the Federal Register, are employed. A negotiated rulemaking committee is employed. Thus there is transparency and accountability. If the negotiated rulemaking succeeds, it culminates in proposed rules that the Federal agency formally proposes. The Federal agency retains the ultimate authority, however, on any such proposed rule, as the agency retains responsibility in making final decisions and publishing the rule in the Federal Register.

A variety of Federal agencies have successfully used the Negotiated Rulemaking Act in developing regulations. Among them are the Environmental Protection Agency, the Federal Aviation Administration, the National Park Service, the Department of Transportation, the Occupational Safety and Health Administration, and the United States Forest Service.

As well, Federal agencies that have worked directly with Indian country have successfully used the negotiated rulemaking process. Among those are the Indian Health Service, the Bureau of Indian Affairs, and the Department of Housing and Urban Development when HUD developed the regulations under the Native American Housing and Self Determination Act.

Some argue that it is not appropriate to require the NIGC to bring in tribes as a part of the negotiated rulemaking process because they are the entity being regulated. But we are dealing with sovereign Indian Nations that already have significant regulatory regimes in effect. The original Indian Gaming Regulatory Act already was a major intrusion into the status of tribes as units of government fully capable of managing their own affairs. To suggest that it is somehow problematic for tribal governments to have an institutionalized role in developing regulations is totally contrary to the very concept of our government-to-government relationship with tribes. That is a philosophy subscribed to by the chairman of the Indian Affairs Committee on many occasions.

I urge my colleagues to support my amendment.

TRIBUTE TO THE LATE SENATOR PAUL WELLSTONE

Mr. DAYTON. Mr. President, I have been asked by a Capitol employee, Mr. Albert Cary Caswell, to have printed in the CONGRESSIONAL RECORD a poem he wrote in memory of the late, great Minnesota Senator, Paul Wellstone.

Senator Wellstone was my friend of 22 years and Minnesota's senior Senator and my mentor during my first 2 years here. I have missed his conscience, his courage, and his eloquence in the Senate every day since his tragic death in an airplane crash nearly 4 years ago.

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

WALKING WITH GIANTS

(By Albert Cary Caswell)

We who here, who have walked upon life's road . . .
A question asked,''What of the full measure of one's footprints cast . . . as to this our world as bestowed?''
Are ours but just mere footprints, or with giant gaits have we here now strode? As all within these our short lifetimes shows!
Do we walk with giants, or but there with just mere men?
Do we dare to grow, do we dare to be great . . . as time and time again? As these our lifetimes begin!
Will we become giants, or will we forever more remain but just mere men? As in this, our shortest of times our lives as then . . .
Shine!
For in our lives and in our times, will we fade or will we shine?
Are we that bright beacon of light and hope which so brilliantly shines? That bright beam of light which so flows through time!
One Paul Wellstone, whose title as a giant as now so belongs!
For in his life and in his deeds, for in this his courageous quest to so succeed. . . . his bright legend as a giant so lives on . . .
A small man of girth, but within his great heart and his soul . . . and all within his mind, so lies his true worth as he has gone!
For from this his most humble of beginnings, as had he so come!
As to a professor, who with his great burning passion so taught our future . . . had so led our young!
Until, on a little green school bus. . . . his dreams were so to be cast! As well into a future where his greatness was to be so sung!
A man, who among his classrooms would so spread his dreams . . .
Talking of all those giants, who so upon a Senate floor as throughout the decades had convened . . .
As one day too, Paul . . . would also walk upon those most hallowed of all halls . . . where too, his greatness would be seen!
Walking with giants. . . . such as Dole, Glenn, Thurmond, Byrd, Simpson, Inouye and Kennedy . . .
A proud Liberal . . . a man of great passion . . . for in him we were all but ''Left With The Best'' oh so very splendidly!
A Great American Patriot . . . a most courageous candidate . . . a Great Crusader and A True Fine Champion of Democracy!
A man with a huge heart,
A man with such a warm smile, which so placed him high above all the others . . . while, setting him apart!
A fighter and a champion . . . a true winner among just mere men . . . the little guy's best friend . . . a true fine work of art!
In this the arena of life . . . he was but a sheer delight!
A Great Father . . . A Great Husband . . . A Wonderful Human Being . . . who to all so brought his light!
For the steps that he made, clearly so portrays the stuff of which giants are made . . . as we so ponder here this night!
An American Tale . . . as was his, The True Great American Dream . . .

So happy and so blessed, as he stood so boldly debating near Webster's desk. . . . as ever so he was seen!

Like a modern day Webster, Clay, or Calhoun he too, made history's heart so swoon . . . where, and whenever he convened!

For within his life and within his times, there are but so many great truths about him of which we find,

As he's left us with such great lessons, with such bright lights . . . to touch all of our children's hearts and minds!

All about being warm and kind, all about passion within hearts & within strong minds, and that no mountain cannot be climbed!

As he was a shining voice!

As he was a Liberal's Liberal, as he was truly his people's choice!

A battler no doubt, while reaching out. . . . ever speaking out. . . . for all of those others, who so surely had no voice!

If only but as Paul. . . . we too. . . . in our lives. . . . and our times. . . . could all so live . . .

Oh what great gifts we could shine, to these our children and this our world in our time, Oh such warm blessings we would give!

For in this our lives and in these our times, will we such the courage find, To Walk With Giants, touching the lives of all who live!

In Memory of a great American Patriot—Paul Wellstone—his wife Sheila, and his precious daughter Marcia, and all those aboard the plane. May our Lord bless the families and help them to find peace. (This was read in Minnesota, on television for his memorial.)

ADDITIONAL STATEMENTS

COMMENDING STAFF OF PENROSE-ST. FRANCIS HOSPITAL

• Mr. ALLARD. Mr. President, today I pay tribute to those individuals from Penrose-St. Francis Hospital in Colorado Springs, CO, who graciously agreed to provide medical attention to retired Air Force veteran Mr. Richard Mc Whorter following a critical injury in April, 2006, while working in Amman, Jordan.

The staff of Penrose-St. Francis worked quickly and tirelessly to arrange for the appropriate procedures in order to best help Mr. Mc Whorter given the urgency and unfortunate extenuating circumstances. Most notably, Penrose-St. Frances was willing to absorb all costs for any treatment performed. Tragically, Mr. Mc Whorter passed away prior to his return to the United States for treatment.

Nonetheless, the honorable intentions of those at Penrose-St. Francis are worthy of acknowledgment and their demonstration of compassion should serve as an example for others in the health care industry.

I would like to thank the following individuals for their kindness and generosity in attempting to save Mr. Mc Whorter following his accident. I would also like to issue my sincere condolences to the Mc Whorter family for their loss.

Dr. Dave Ross
Dr. Roger Nagy
Dr. Bill Chambers
Dr. Michael Brown
Dr. Glen House
President and CEO Rick O'Connell
Ms. Pat Burgess•

RECOGNIZING JNO S SOLENBERGER & CO.

• Mr. ALLEN. Mr. President, I am pleased to acknowledge Jno S Solenberger & Co., Inc. of Winchester, VA, for over 100 years of service. Throughout the years, the success of Jno S Solenberger & Co., Inc has been based on the belief of providing excellent customer service.

When the hardware store first opened over a century ago, its founders, John S. Solenberger and his cousin Daniel Stouffer, worked tirelessly to build a company known for its quality products and excellent customer service. Four generations later, John T. Solenberger, Jr., the current president of the company, still upholds the original vision of his great-grandfather, contributing in his own way toward the company growing success through numerous expansions and renovations.

Solenberger many contributions to Winchester rich historical heritage, including his commitment to serving his customers with the utmost care and expertise, are significant accomplishments. I am proud to stand before you today and recognize Jno S Solenberger & Co., Inc. as a fine exemplar to the business community of Virginia.•

RECOGNIZING BANK OF CLARKE COUNTY

• Mr. ALLEN. Mr. President, I am pleased to acknowledge the 100th anniversary of Bank of Clarke County, the first independent, privately owned bank in Berryville, VA. More than a century ago, 10 local investors decided that a community bank would assist in the continued recovery from the Civil War's reconstruction efforts. After pooling together $10,000 in capital, the Bank of Clarke County was formed. As the oldest continuously operating bank in the area, Bank of Clarke County has remained committed to serving the local communities and its citizens. Its success today can be attributed to its long-term vision and dedicated staff.

Over the years, Bank of Clarke has undergone numerous expansions and renovations, permanently moving to the greater Winchester area in 1992 and opening 10 full-service branch locations, one express branch, and a network of 23 local ATMs. Despite their continual expansion and growth as a business, Bank of Clarke County remains dedicated to serving the community through volunteer work with over 150 local organizations.

The Bank of Clarke County continues to perform outstanding work in serving its local citizens and the entire Commonwealth of Virginia. I congratulate its members on their continued run of success, and thank them for the work they are doing to make Virginia a better place to live, work, and raise a family.•

RECOGNIZING THE SHOCKEY COMPANIES

• Mr. ALLEN. Mr. President, I am pleased to acknowledge the Shockey Companies for over 100 years of service. When the company began in 1896, its founder, Mr. Howard Shockey, developed a reputation in Winchester, VA, for his superior craftsmanship and hard working attitude. Today, more than three generations later, the Shockey Companies have remained true to their commitment to serve the Winchester and mid-Atlantic region with the craftsmanship, quality, and old-fashioned values that the company was first built upon.

Over the past three generations, the Shockey Companies expanded even further, working on transportation projects for interstate bridges and interchanges on the highways of Maryland, Delaware, Virginia, West Virginia, and the District of Columbia. Their early adoption of improved concrete methods and materials was instrumental in the company efforts to save time and reduce costs.

Their continual commitment to provide Virginians with the highest level of expertise and technology speaks to the company integrity and consistent standard of excellence. On behalf of the many Virginian families and communities who have benefited from the Shockey Companies services over the last century, I would like to express my sincere appreciation.•

RECOGNIZING WINCHESTER MEDICAL CENTER

• Mr. ALLEN. Mr. President, I am pleased to acknowledge Winchester Medical Center for over 100 years of service. Over the past century, Winchester Medical Center has worked tirelessly to build a hospital committed to providing extensive and sophisticated medical services using the most advanced technology and science. Its success today can be attributed to its long-term vision and dedicated staff, which both the local community of Winchester and I are immensely proud of.

In 1903 the Winchester Medical Center had just 35 beds, four employees, and one patient. Since then, it has evolved into one of the premier regional medical centers in the United States, now boasting 405 beds, 2,483 full-time employees, a team of devoted volunteers who worked 76,000 hours last year alone, and numerous renovations. The center specializes in heart care and open heart surgery, cancer care, orthopedic surgery, 24-hour emergency services, including a helipad and neonatal intensive care transport, neurosciences, rehabilitation services, behavioral health, and women and children services. With such a highly qualified staff, it is no surprise that patients

are referred from a 17-county area in Virginia, Maryland, and West Virginia to the center for medical treatment.

Any institution committed to giving back to the local community from which it was founded and grew is commendable. One dedicated to saving and improving the lives of Virginians for the last 100 years, and with as much care and expertise as Winchester Medical Center, is an accomplishment I respect and admire.●

RECOGNIZING HEDGEBROOK FARM

● Mr. ALLEN. Mr. President, I am pleased to acknowledge Hedgebrook Farm, in Bartonville, VA. Hedgebrook Farm has been owned and operated by the same family since its establishment over 100 years ago.

For the past half century, the 110-acre farm has offered amusing attractions such as a pumpkin patch, as well as a beautiful log home. Hedgebrook Farm also provides educational school tours and a young farmers' camp.

I would like to acknowledge the current managers of Hedgebrook Farm, Kitty Hockman Nicolas and her daughter, Shannon N. Triplett, for their exceptional work upholding their family's original commitment to preserve the environment, educate local youth, and maintain a pesticide-free, hormone- and antibiotic-free farm.

The Hedgebrook Farm continues to perform outstanding work in serving its local community. I congratulate its owners on over a century of success and thank them for the work they are doing to make Virginia a better place to live, work, and raise a family.●

RECOGNIZING THE WINCHESTER STAR

● Mr. ALLEN. Mr. President, I am pleased to acknowledge the Winchester Star which has proudly served the newspaper needs of our Commonwealth with dedication and distinction since the Fourth of July, 1896. Started by 23-year-old John I. Sloat, the first edition of the Winchester Star consisted of only four pages and sold for a penny. By the end of its first year, circulation had already reached 400. Today, circulation exceeds 22,000 daily.

For the past century, the journalists and employees of the Winchester Star have worked tirelessly to provide accurate, quick, and reliable news service. As a reader of the Winchester Star, I sincerely respect their curious approach and objective presentation of the news, and I admire their consistent pledge to keep Virginians intelligently informed of international, national, and local news every day.

Their success can be attributed not only to a hard working staff but also to their swift implementation of modern technology to expedite the printing process and meet new customer demand. Whether it was the adoption of Goss Urbanite off-set press printing in 1964, which permitted a 64-page edition of the paper, or the addition of a Saturday edition and morning newspaper in 1980, the Winchester Star has consistently proved itself as one of Virginia's leading newspapers. I am proud to acknowledge the Winchester Star's accomplishments over the past century, and I am confident that they will continue to serve their customers with the expertise, quality, and dependability that they are known for.●

RECOGNIZING HILL HIGH FARM

● Mr. ALLEN. Mr. President, I am pleased to acknowledge over 100 years of service by Hill High Farm of Winchester, VA. The farm has been owned and operated by the Wright family since its establishment in scenic Shenandoah Valley over 100 years ago. Hill High Farm has been recognized by the Commonwealth of Virginia as a ''Century Farm''.

While the farm continues to grow apples, raise cattle, and maintain a dairy herd as it did a century ago, today they offer other exciting attractions such as a straw maze, corn maze, hay rides, and farm animals. Their expansion from a fourth of an acre of pumpkins to 20 acres and continual promotion of new special events has captured the public interest. In the fall during harvest time Hill High Farm opens their farm to over 1,000 visitors, including school groups. This April, the farm will be featured on the Discovery Channel by Pilot Productions, an independent television production company based in England.

To express their appreciation for the continual support of local patrons, the Wright family gives back to their community through annual charity events such as the Youth Development Center's Annual Punkin' Chunkin' Contest. I would like to recognize Hill High Farm as an historical trademark of Shenandoah Valley, loved and cherished by so many in the Virginian community.●

RECOGNIZING GLAIZE COMPONENTS

● Mr. ALLEN. Mr. President, I am pleased to acknowledge Glaize Components, an internationally recognized lumber company founded in Winchester, VA, more than 150 years ago. The company first started in Northern Shanendoah Valley as a charcoal production business, but quickly evolved into a lumber company.

When Glaize Components was founded in 1854, they made a commitment to providing the highest level of quality to their customers, employees, and industry. To meet increasing market demand and expand their geographic reach, Glaize Components has opened two new plant locations in Shelby, NC, and LaCrosse, VA.

Throughout its history, Glaize Components products have included a complete line of building components for residential and commercial uses, such as roof trusses, wall panels, and floor trusses. Their use of software systems specifically designed for truss systems and their incorporation of laser-guided truss building processes has gained them international recognition by manufacturers from Africa, Russia, China, and Japan.

The immense respect Glaize Components receives for its superior manufacturing processes—both at home and abroad—is a testament to their success and leadership in the industry. I am honored to acknowledge Glaize Components accomplishments over the past century, and I am confident that they will continue to serve their customers with the expertise, quality, and dependability for which they are known.●

RECOGNIZING THE INSURANCE CENTER OF WINCHESTER

● Mr. ALLEN. Mr. President, I am pleased to acknowledge the Insurance Center of Winchester, the oldest and largest independently owned insurance agency in the Northern Shenandoah Valley in Virginia. Over the past century, and particularly in the last decade, the insurance industry has undergone radical transformations from technological advancements to expanding competition. I would like to recognize the Insurance Center of Winchester for their exceptional ability to adapt to these changes while maintaining their original commitment to excellent service and expertise.

The Insurance Center of Winchester provides service to thousands of homeowners, renters, autos, RVs and motorcycles, and provides comprehensive group benefit plans to many of the region's top businesses and industries. In addition to those services, the Insurance Center of Winchester also provides health, disability, and life insurance to individuals. Over the years, the Insurance Center of Winchester has expanded to three departments, Personal Lines Insurance, Commercial Lines Insurance, and Financial Services. But what distinguishes them as the leading insurance company of Northern Shenandoah Valley is their employees' ability to solve complex issues and their commitment to personal customer service.

Since 1902, the Insurance Center of Winchester has put an emphasis on maintaining a relationship-based business, helping them gain the respect and trust from the Virginia community which they have worked so hard to develop. I would like to acknowledge the Insurance Center of Winchester's accomplishments over the last century, and I am confident that they will continue to flourish in the future.●

RECOGNIZING THE ENDERS AND SHIRLEY FUNERAL HOME

● Mr. ALLEN. Mr. President, I am pleased to acknowledge the 114th anniversary of the Enders and Shirley Funeral Home which has had a fruitful working relationship with Winchester

County over the past century. Founded in 1892 by John H. Enders on East Main Street in Berryville, VA, the funeral home was originally known for its warm, home-like atmosphere, and convenient location.

Over the past century, the Enders and Shirley Funeral Home has serviced its community with compassion and honesty. The Enders family has earned respect and admiration from the Winchester community not only for their success as a business, but for their integrity and incessant devotion to the Winchester community.

I commend the Enders family for their unwavering support and passion for helping families get through the hardships involved with planning their loved one's funerals. I am proud of their many accomplishments and am confident that the Enders and Shirley Funeral Home will continue to flourish in the future.●

RECOGNIZING WINCHESTER PRINTERS, INC.

● Mr. ALLEN. Mr. President, I am pleased to acknowledge Winchester Printers, Inc., which has proudly served the commercial printing needs of businesses, universities, and organizations of the Winchester-Frederick County, VA, area for over a century. The family-owned and operated company can be traced back 114 years through three generations to 1892, and has remained firmly committed to its standard of superior expertise and craftsmanship ever since.

I was recently excited to hear that the Printing Industries of Virginia awarded Winchester Printers, Inc. with the Dietz Memorial Award for the fourth year in a row. Competing against nearly 5,000 entries from printing and graphic arts firms around the world, Winchester was honored with the Best in Show Award for the 2003 Henkel Harris Portfolio designed by Erkel and Associates. The company also received a Certificate of Merit in the Worldwide Print Competition hosted by the Printing Industries of America.

Over the past century, Winchester Printers, Inc. has developed a strong relationship and loyal following with the local Virginian community. In 2004, Winchester Printers became 1 of 16 local manufacturers to participate in an Economic Development Commission program highlighting career opportunities in Winchester and Frederick County for local high school students. Upholding the traditional values the company was founded upon, Winchester Printing, Inc. continues to give back to Virginians and grow as an internationally recognized company. I am proud to recognize Winchester Printers, Inc. as a fine exemplar of the business community of Virginia. ●

TRIBUTE TO DAVID ROSELLE

● Mr. BIDEN. Mr. President, earlier this year, Dr. David Roselle, a personal friend and longtime president of my alma mater, the University of Delaware, announced that he will retire in May. I have the greatest respect for Dr. Roselle and the tremendous job he has done at the institution I love.

The average tenure of a university president, I am told, is a little over 6 years, about the term of a U.S. Senator. When Dr. Roselle leaves, he will have served 17 years, equivalent to almost a three-term Senator. That is staying power that has let him turn the University of Delaware from a very good regional school into a university, known nationally for its academic excellence.

When constituents ask me: ''My child has gotten into this university or that university. Where should she go?'' I say go to that university they can get into now and are quite certain 10 years from now they would never be admitted. That certainly would have been my story at the University of Delaware.

Back when I was a student in the early 1960s, we had 4,000 undergraduates, maybe 400 graduate students. Today, there are 15,000 undergraduates and 3,000 graduate students. They come from all over the country and world.

But what is really different between then, and now, is not the quantity, but that even the highest caliber students must now worry about their ability to get in. During Dr. Roselle's tenure, the SAT scores of entering freshman has risen significantly.

All of us in public service have the goal to leave the place better than how we found it, and Dr. Roselle has clearly done that, on many fronts.

Physically, under his leadership, he oversaw the building and rebuilding of about two dozen structures, including a new sports/convocation center, a new center for the arts that opened recently, new laboratories, new residences, and new academic buildings. He brought technology into the infrastructure, so all campus buildings are 21st century ready.

Financially, he has nearly quadrupled the university's endowment, to $1.2 billion, far exceeding anyone's expectations. The number of endowed faculty positions has increased from 20 some 10 years ago to more than 100 today, allowing the university to attract excellent faculty members.

Since he arrived, he increased student aid from $19 million to $56 million and started scholarship support so more students can study abroad. The University of Delaware started the first Study Abroad Program in the world 80 years ago, and today, 40 percent of undergraduates spend some time learning abroad, increasingly important preparation for a job in today's global economy.

All of us in this Chamber should feel good about helping expand the university's scientific programs. During Dr. Roselle's tenure, Congress appropriated almost $90 million for defense work, primarily at the University's Center for Advanced Composite Materials. It has been put to good use. They have developed critical basic composite materials and production techniques to produce the lighter, more capable vehicles, guns, armor, and ships our military needs.

We also should feel good about the millions of dollars Congress has directed to the university to help fight avian influenza, develop clean energy technologies, and for biotechnology research, among other activities.

I also note that Dr. Roselle presided over Blue Hen football teams that combined had a 135–54–1 record and brought to Newark a national championship, a proud day for all of our alumni.

The list of his accomplishments is long, and I could go on. But it is not so much what he has built, as what the 70,000 students who graduated during his tenure will accomplish with the quality education he had such a strong hand in giving them.

Our alma mater has a wonderful line, ''We give thee thanks for glorious days beneath thy guiding hand,'' and it is certainly his hand as well as his head and heart that has guided the university into the wonderful institution it is today.

I know I speak for all of my colleagues in extending Dr. Roselle our heartfelt congratulations.●

RECOGNIZING MAJOR RICHARD ''RICKIE'' N. HAGAN

● Mr. BUNNING. Mr. President, I would like to recognize the outstanding military service and contributions to our country by MAJ Richard ''Rickie'' N. Hagan of Tompkinsville, KY.

Major Hagan has served his country in the Army for 27 years. He is a graduate of the Kentucky Military Academy at Fort Knox, KY and the Command and General Staff College at Fort Leavenworth, KS. He was deployed to Iraq in July of 2004 and again in 2005 with the 377th Theater Support Command, TSC, of New Orleans, LA.

His overseas assignment included the 1st Corp Support Command, 82nd Airborne Division in Balad, Iraq. He worked as a Theater LNO—liaison officer—in Balad and in Baghdad to Multi National Forces-Iraq. As an OIC—officer in charge—of an LNO team, he

served with distinction by gathering and analyzing key intelligence information. For this service, he has been awarded the Bronze Star, The Combat Action Badge, the Meritorious Service Medal, The Iraq Campaign, the Global War on Terrorism Medal and the Global War Expeditionary Medal.

Outside of his military service, Major Hagan has continuously been an active member of his local church and community. He taught military history and the art of war to ROTC Cadets at Middle Tennessee State University in Murfreesboro, TN. For 6 years he served as a city councilman in Tompkinsville, KY, was President of the Monroe County Wellness Board, and served on the YMCA and Chamber of Commerce Boards. After returning from Iraq, Major Hagan lent his services to the people of the Gulf Coast following Hurricane Katrina.

Currently Major Hagan owns a small business and serves as an S2 intelligence officer for the 5/515 Cavalry Squadron in Fort Knox, KY.

The citizens of the State of Kentucky are proud of MAJ Rickie N. Hagan's service. They join me in thanking him for his contributions to the Army and the United States, and in wishing him all the best both now and in the future.●

BILL ZADICK

● Mr. BURNS. Mr. President, today I wish to honor a man that has worked his way to and excelled in the highest level of athletic competition, Mr. Bill Zadick. Bill competed in the wrestling world championship in Gaungzhu, China, where he won the gold medal in the 66 kilogram weight class. The wrestling world championship brings together the top wrestlers from around the world, and to win a gold medal is evidence of determination, dedication, and elite talent. The semifinal match that Bill won exemplified these characteristics as he fought for every point in a weight class deemed to be the most difficult of all. Not to be overlooked was the silver medal victory achieved by Mr. Mike Zadick, brother to Bill, in the 60 kilogram weight class. As did Bill, Mike represented the fine qualities of a champion and the honor in his achievement will be long celebrated.

Growing up in Great Falls, Bill excelled in wrestling during high school and later at the University of Iowa. His hard work ethic, adopted from his father, helped shape Bill into a world-class wrestler. After the 2001 world championships where Bill placed seventh, his desire for perfection landed him in Colorado Springs where he developed a training program that would eventually earn him a gold medal. Not only has Bill set an example for athletic excellence, but he has acted as a role model for fellow Montanans. Montana has enjoyed recognition on the world platform before, and it is because of men like Bill that we have the opportunity to continue this great honor.

Considered to be a part of the greatest wrestling family in Montana, Bill and Mike Zadick deserve the praise and recognition given to them. We are proud as well as fortunate to have men such as Bill and Mike Zadick from Montana, demonstrating their amiable work ethic and acting as role models to younger generations of athletes and students alike.●

INAUGURATION OF DR. WILLIAM CLARK, III

● Mr. CHAMBLISS. Mr. President, I congratulate Dr. Spurgeon William Clark, III on the occasion of his inauguration as The Medical Association of Georgia's 152nd President this weekend. I have had the privilege of knowing Dr. Clark for many years. He is an esteemed physician, community leader, devoted father and son, and dear friend.

Dr. Clark graduated from Waycross High School in 1971 and earned a bachelor's degree cum laude in 1975 from Davidson College in North Carolina. He received his medical degree from the Medical College of Georgia and interned at Eastern Virginia Medical School in Norfolk. He performed his residency at Bascom Palmer Eye Institute at the University of Miami.

Dr. Clark operates the Clark Eye Clinic in Waycross, GA, and attends patients of all ages. There is no question that he is a leader in his field. He has been included in ''The Best Doctors in the South'' in 1996, 1998, 2002, 2004 and 2006. He has performed groundbreaking surgeries involving the perfecting of new refractive surgeries, cataract surgeries and the refining of implanting lenses. His ophthalmology career includes time and work spent as an active member of Satilla Regional Medical Center, Emory Eye Care Center, the Atlanta VA Medical Center, where he has been a clinical assistant professor since 1997, and the Medical College of Georgia, where he has been a clinical assistant professor since 1998. He has previously served the Medical Association of Georgia as a member, delegate and as a member of the Board of Directors. He has also served the Georgia AMA delegation as Vice Chair and as President-elect, the Okefenokee Medical Association as President, as the Secretary as well as Director of the Eighth District Medical Society, and as President and Chairman of the Board of the Okefenkee Physicians Network, Inc., and as Vice President of the Satilla Regional Medical Center Staff Executive Committee.

Dr. Clark's accomplishments are indeed endless. Not only is he a leader in the medical field, he is an active citizen and parent in the Waycross community. He has received awards on numerous occasions for his service. He is the recipient of the 1987 Jack Williams Community Service Award, the 1988 Waycross Jaycees Outstanding Young American Award, the 1989 Waycross Pogo Good Citizenship Award, the Ware 2000 Excellence in Education Award, and the 1990 Rotarian of the Year Award.

He has served as Vice President and President of the Williams Heights Elementary School PTA, as President of the Waycross Middle School PTA, and as a board member of the Okefenokee Heritage Center. Additionally, he has served in leadership positions with the United Way, the Waycross-Ware County Chamber of Commerce, the Downtown Waycross Development Authority, the First United Methodist Curch, the Waycross Bank & Trust, and the Okefenokee Swamp Park Association.

Dr. Clark and his wife, Jill, have three daughters Victoria, Evelyn, and Alora. I know that this is a special time in particular for Dr. Clark and his family, because this inauguration continues a tradition of family service within the medical community. Dr. Clark's father previously served as the Medical Association of Georgia's 130th President in 1984.

I offer my congratulations to Dr. Clark on his inauguration this weekend and commend him for all his accomplishments. I know he will serve The Medical Association of Georgia well as their 152nd President.●

A DEDICATED AND PASSIONATE IDAHO EDUCATOR

● Mr. CRAPO. Mr. President, today I honor a dedicated and passionate teacher in my home State of Idaho. In the late summer of 1963 J. Kent Marlor first stepped onto the campus of Ricks College in Rexburg, ID, as a brand new 26-year-old teacher. During that first year, he taught economic history and political science and took the role of debate coach. When asked of his years at Ricks, he said, ''I don't know how I did it the first year I came here . . . I've had chances to go to a number of different places over the years, but have always wanted to stay here [because] I love Idaho. I love the wildlife and the smallness of the school . . . You know all the students [and] the faculty [and] the spirit that has always been here is a great thing for me.'' On August 24, 2006, he retired after 43 years teaching thousands of students in the political science department. He retired as the longest serving instructor in the 118-year history of the institution.

Kent is a man well loved by those with whom he has come in contact. He has touched the lives of many of his students and has been able to help them gain confidence and direction in their fields of study. He is a mentor to many and will be missed by faculty and students alike at Ricks College, which became Brigham Young University-Idaho in 2000.

During an interview with the Rexburg Standard Journal, Marlor said, ''Success of a teacher is really measured in the success of his students.'' The newspaper reported that Marlor's students are now judges, doctors, attorneys, legislators and editors.

I have had firsthand experience with the fruits of Kent Marlor's educational efforts. Over the years, at least 10 of my Senate interns have been his students as well as several current and former members of my staff. When talking about his former students, Marlor said, ''My reward for being a teacher comes when I see what my students have accomplished.''

Before his long and distinguished teaching career, Marlor served his count in Naval Intelligence and at the National Security Agency. He has also served as president of the Idaho Wildlife Federation and the chairman of the Idaho Fish and Game Advisory Committee. At his side in many of these meetings was his wife of over 50 years, Sharon. Together they raised six children who have also been very active in education and in their communities.

Even though he has served in our Nation's Armed Forces, intelligence service, and in various community organizations, his most gratifying service has come with the Teton Peaks Council of the Boy Scouts of America. Over the years, Kent and Sharon earned their spot in the Boy Scout Hall of Fame by organizing countless campouts, merit badge camps, Eagle Scout projects and Courts of Honor. In recognition of his efforts, Kent was honored with the Silver Beaver Award in 1982. Sharon was honored with the same award in 1989.

Kent loves the outdoors. His love of fishing is legendary in the Upper Snake River Valley. There isn't a lake, reservoir, river, stream, creek, ditch, or puddle that hasn't been explored with his beloved rod and reel at least once in the last 40 years. It is my understanding that Scout troops who go on extended camping trips with Kent don't take much food with them. Wherever they go, Kent is sure to provide plenty of fresh trout for breakfast, lunch, and dinner. Kent taught his Scouts to appreciate the beauty around them as well as how to conserve it for future generations.

I wish Kent and Sharon Marlor many happy years in retirement and thank them both for the contribution to education and the youth of Idaho.●

TRIBUTE TO MARY BOURDETTE

● Mr. DODD. Mr. President, I wish to pay tribute to Mary Bourdette, who passed away earlier this month after a 15-month struggle with ALS. My condolences go to Mary's family and the many friends and colleagues with whom she shared her spirit and commitment to social justice and making our country stronger through our families.

Mary is missed by me and so many others who had the honor to work with her as she championed the needs of those who have no voice in the political process. Our nation is truly better for Mary's 30 years of work on behalf of children and families.

Mary, who keenly understood the legislative process, combined her passion for good policy with a political pragmatism that yielded real results. She never lost sight of the important issues and built effective coalitions to guide important legislation to passage. Most notably, her focus on the children never wavered.

Her commitment, talent, and leadership improved the lives of countless Americans. I had the honor to have worked with her over the past 20 years on behalf of those among us with the greatest needs. Mary had an ability to get to the heart of the matter and move it forward. She was a driving force during the 3½ years we worked to win enactment of the child care and development block grant. She played a critical role in expanding the earned-income tax credit to help even more low-income families. She also helped to move forward important bills related to foster care and adoption. Her keen understanding of the technical Federal budget process benefited innumerable children and their families.

I am especially grateful for Mary's tireless work related to Head Start. During reauthorization of this important legislation in 1993, she was instrumental in the creation of Early Head Start that provided more comprehensive assistance to parents and their infants and toddlers. When the law was again reauthorized in 1998, Mary was there to ensure that it was further strengthened.

I applaud Mary's many accomplishments throughout her distinguished career. From the Legal Services Corporation to the Children's Defense Fund to the Child Welfare League of America to the U.S. Department of Health and Human Services, her dedication to helping the most vulnerable among us never wavered.

Mary Bourdette made enormous contributions and left all of us with much to protect and to build on in the future. We and the Nation's families are so grateful to Mary for her dedication and work to better the lives of our Nation's children.●

EXTRAORDINARY PUBLIC SERVICE STAFF

● Mr. HARKIN. Mr. President, over the August recess, I had the opportunity to visit the newly opened community health centers of Southern Iowa, located in Leon, IA. I had been fortunate to secure $300,000 for renovations and equipment at the facility, and I was eager to see how these resources are being put to use.

As I toured the facility and talked with staff, I was freshly reminded of the extraordinary public service rendered by community health centers all across the United States. But the center in Leon is truly exceptional. The facility itself is welcoming, modern, and well equipped. And the staff members—from physicians to nurses to custodians—are truly an inspiration. They clearly have a special passion for their work, and they take pride in the fact that they are providing first-rate health care in one of the most underserved areas of my State.

Dr. Martin Luther King, Jr., used to say that ''Life's most persistent and urgent question is: What are you doing for others?'' Let me tell you, the dedicated professionals at the community health centers of Southern Iowa have answered that question in powerful ways. They have committed themselves to providing high-quality health care to all comers, regardless of ability to pay. All are welcomed equally. All are served with excellence.

This is why, as ranking member on the education and health appropriations subcommittee, I am 100 percent committed to securing appropriate funding for community health centers. One thing I know for certain: Every dollar Congress appropriates for centers like the one in Leon is a dollar spent wisely and frugally. It never ceases to amaze me how their staffs are able to do so much—and to serve so many people—with such modest resources.

I daresay that nobody in the health care profession faces greater challenges than those who choose to work in community health centers—challenges including chronic illness, cultural and linguistic differences, geographical barriers, homelessness, and on and on. Nothing stops these superb professionals.

And one more thing: community health centers have a well-deserved reputation for caring and kindness. In some ways, their physicians and nurses are a throwback to another era. They offer a direct and personal style of health care. They follow up. They care about prevention and wellness.

So I am deeply grateful to executive director Gary Rees, to medical director, Dr. Patricia Magle, and to all the wonderful staff and board members at the community health centers of Southern Iowa. They work their hearts out to provide the very best health care in a part of my State that has been neglected for too long. I deeply appreciate their passion, their compassion, and their dedication to public service.

Mr. President, in late August, I had the pleasure of attending a ceremonial ribbon-cutting ceremony at the new United Community Health Center in Storm Lake, IA. Having secured funding for the center, which actually opened its doors last March, I was eager to meet with the staff and assess their progress.

I was incredibly impressed by all that this facility has been able to accomplish with relatively modest resources. I call it ''the little community health center that could.'' The facility is welcoming, modern, and well equipped. And the staff members are truly an inspiration. They have a special passion for their work, and they take pride in the fact that they are providing first-rate health care to underserved communities.

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So I am deeply grateful to executive director Renea Seagren, to board chair Mark Prosser, and all the other members of the staff and board at the United Community Health Center. And also to founding board member Larry Rohret, whose dedication to improving the lives of those in greatest need was instrumental in establishing the health center. I was saddened that Larry did not live to see the health center open its doors.

These devoted people work their hearts out to provide the very best health care to some of our most needy citizens. I deeply appreciate their passion, their compassion, and their dedication to public service.

Mr. President, earlier this year, I had the opportunity to visit the newly opened Community Health Center of Fort Dodge in north-central Iowa. I had been fortunate to secure $280,000 for planning and equipment at the facility, and I was eager to see how these resources are being put to use.

As I toured the facility and talked with staff, I was freshly reminded of the extraordinary public service rendered by community health centers all across the United States. But the center in Fort Dodge is truly exceptional. Thanks to their new community health center designation, the folks, there, were able to transition from two free clinics operating very much part time, to a full-time, comprehensive primary care center serving all of Webster County.

And the staff members—from physicians to nurses to custodians—are truly an inspiration. They clearly have a special passion for their work, and they take pride in the fact that they are providing first-rate health care to some of the most underserved people in my state.

Mr. President, several years ago, I encouraged leaders in the Fort Dodge community to apply to for community health center designation. I remember visiting a free clinic being operated by St. Mark's Episcopal Church back in 2003 and meeting a woman who was in such pain from a toothache that she had removed her own tooth with a hammer and screwdriver. No human being should have to resort to such a crude remedy—certainly not in the United States of America. And thanks to the new center in Fort Dodge, those kinds of desperate measures are a thing of the past.

Dr. Martin Luther King, Jr., used to say that ''Life's most persistent and urgent question is: What are you doing for others?'' Let me tell you, the dedicated professionals at the Community Health Center of Fort Dodge have answered that question in powerful ways. They have committed themselves to providing high-quality health care to all comers, regardless of ability to pay. All are welcomed equally. All are served with excellence.

This is why, as ranking member on the education and health appropriations subcommittee, I am 100 percent committed to securing appropriate funding for Community Health Centers. One thing I know for certain: Every dollar Congress appropriates for centers like the one in Fort Dodge is a dollar spent wisely and frugally. It never ceases to amaze me how their staffs are able to do so much—and to serve so many people—with such modest resources.

I daresay that nobody in the health care profession faces greater challenges than those who choose to work community health centers—challenges including chronic illness, cultural and linguistic differences, geographical barriers, homelessness, and on and on. Nothing stops these superb professionals.

And one more thing: community health centers have a well-deserved reputation for caring and kindness. In some ways, their physicians and nurses are a throwback to another era. They offer a direct and personal style of health care. They follow up. They care about prevention and wellness.

So I am deeply grateful to executive director Kathy Wilkes to Randy Kuhlman and Father Steve Hall, who spearheaded the CHC designation effort; to board chair Craig Johnsen and the other board members; and to all the wonderful staff members at the Community Health Center of Fort Dodge. They work their hearts out to provide the very best health care to all who pass through their doors. I deeply appreciate their passion, their compassion, and their dedication to public service.●

RECOGNIZING CONCHY BRETOS

● Mr. MARTINEZ. Mr. President, today I congratulate Ms. Conchy Bretos of Miami, FL, recipient of the 2006 Purpose Prize. This new national award was initiated this year by Civic Ventures, a nonprofit organization dedicated to generating ideas and programs to help society achieve the greatest return on the experience of older Americans.

After a varied career in housing, marketing, health, women's issues and government, Conchy Bretos became committed to doing something about the thousands of low-income elders and disabled adults who were not getting the service they needed to stay in their homes.

She became the driving force behind the Helen Sawyer building in Miami, the Nation's first public housing project to offer assisted-living service. Her efforts have resulted in the creation of similar services in 40 public housing projects in a dozen States, allowing many older adults to maintain their independence while they receive the medical care they need.

I want to recognize the role of the Purpose Prize itself in changing our society's view of aging. America's growing older population is one of our greatest untapped resources, and we need to do everything possible as a society to recognize the great contributions they can make.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and treaties which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE DISTRICT OF COLUMBIA'S 2007 BUDGET REQUEST ACT—PM 57

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Homeland Security and Governmental Affairs:

To the Congress of the United States:

Pursuant to my constitutional authority and consistent with section 446

of The District of Columbia Self-Governmental Reorganization Act as amended in 1989, I am transmitting the District of Columbia's 2007 Budget Request Act.

The proposed 2007 Budget Request Act reflects the major programmatic objectives of the Mayor and the Council of the District of Columbia. For 2007, the District estimates total revenues and expenditures of $7.61 billion.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 29, 2006*.

MESSAGES FROM THE HOUSE

At 9:32 a.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5825. An act to update the Foreign Intelligence Surveillance Act of 1978.

H.R. 6143. An act to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had signed the following enrolled bills:

S. 56. An act to establish the Rio Grande Natural Area in the State of Colorado, and for other purposes.

S. 213. An act to direct the Secretary of the Interior to convey certain Federal land to Rio Arriba County, New Mexico.

S. 2146. An act to extend relocation expenses test programs for Federal employees.

H.R. 5574. An act to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

At 12:42 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1472. An act to designate the facility of the United States Postal Service located at 167 East 124th Street in New York, New York, as the ''Tito Puente Post Office Building''.

H.R. 4720. An act to designate the facility of the United States Postal Service located at 200 Gateway Drive in Lincoln, California, as the ''Beverly J. Wilson Post Office Building''.

H.R. 5418. An act to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges.

H.R. 5681. An act to authorize appropriations for the Coast Guard for fiscal year 2007, and for other purposes.

H.R. 5736. An act to designate the facility of the United States Postal Service located at 101 Palafox Place in Pensacola, Florida, as the ''Vincent J. Whibbs, Sr. Post Office Building''.

H.R. 5929. An act to designate the facility of the United States Postal Service located at 950 Missouri Avenue in East St. Louis, Illinois, as the ''Katherine Dunham Post Office Building''.

H.R. 5989. An act to designate the facility of the United States Postal Service located at 10240 Roosevelt Road in Westchester, Illinois, as the ''John J. Sinde Post Office Building''.

H.R. 5990. An act to designate the facility of the United States Postal Service located at 415 South 5th Avenue in Maywood, Illinois, as the ''Wallace W. Skyes Post Office Building''.

H.R. 6075. An act to designate the facility of the United States Postal Service located at 101 East Gay Street in West Chester, Pennsylvania, as the ''Robert J. Thompson Post Office Building''.

H.R. 6078. An act to designate the facility of the United States Postal Service located at 307 West Wheat Street in Woodville, Texas, as the ''Chuck Fortenberry Post Office Building''.

H.R. 6151. An act to designate the facility of the United States Postal Service located at 216 Oak Street in Fannington, Minnesota, as the ''Hamilton H. Judson Post Office''.

The message further announced that the House has passed the following bills, without amendment:

S. 3187. An act to designate the Post Office located at 5755 Post Road, East Greenwich, Rhode Island, as the ''Richard L. Cevoli Post Office''.

S. 3613. An act to designate the facility of the United States Postal Service located at 2951 New York Highway 43 in Averill Park, New York, as the ''Major George Quamo Post Office Building''.

The message also announced that pursuant to section 491 of the Higher Education Act (20 U.S.C. 1098(c)), and the order of the House of December 18, 2005, and upon the recommendation of the Minority Leader, the Speaker reappoints the following member on the part of the House of Representatives to the Advisory Committee on Student Financial Assistance for a three-year term effective October 1, 2006: Mr. Robert Shireman of Oakland, California.

ENROLLED BILL SIGNED

At 1:00 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker had signed the following enrolled bill:

H.R. 5631. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS).

At 3:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 3930. An act to authorize trial by military commission for violations of the law of war, and for other purposes.

ENROLLED BILL SIGNED

At 2:56 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker had signed the following enrolled bill:

S. 3930. An act to authorize trial by military commission for violations of the law of war, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS).

At 6:17 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

At 7:50 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6233. An act to amend the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

At 8:51 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5122) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

ENROLLED BILLS SIGNED

At 11:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker had signed the following enrolled bills:

S. 203. An act to reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes.

S. 3187. An act to designate the Post Office located at 5755 Post Road, East Greenwich, Rhode Island, as the ''Richard L. Cevoli Post Office''.

S. 3613. An act to designate the facility of the United States Postal Service located at 2951 New York Highway 43 in Averill Park, New York, as the ''Major George Quamo Post Office Building''.

The enrolled bills were subsequently signed on September 30, 2006, by the President pro tempore (Mr. STEVENS).

At 12:46 a.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4772. An act to simplify and expedite access to the Federal courts for injured parties whose rights and privileges under the United States Constitution have been deprived by final actions of Federal agencies or

other government officials or entities acting under color of State law, and for other purposes.

H.R. 6203. An act to provide for Federal energy research, development, demonstration, and commercial application activities, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4954) to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker pro tempore (Mr. DAVIS of Virginia) signed the following enrolled bills:

H.R. 318. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes.

H.R. 326. An act to amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area and for other purposes.

H.R. 562. An act to authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932–1933.

H.R. 1728. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating portions of Ste. Genevieve County in the State of Missouri as a unit of the National Park System, and for other purposes.

H.R. 2107. An act to amend Public Law 104–329 to modify authorities for the use of the National Law Enforcement Officers Memorial Maintenance Fund, and for other purposes.

H.R. 3443. An act to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

H.R. 4841. An act to amend the Ojito Wilderness Act to make a technical correction.

The enrolled bills were subsequently signed on September 30, 2006, by the Acting President pro tempore (Mr. FRIST).

At 1:01 a.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

S. 3699. An act to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 3661. An act to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas.

ENROLLED BILLS SIGNED

The Secretary of the Senate announced that the Acting President pro tempore (Mr. FRIST) had signed the following enrolled bills on September 30, 2006:

H.R. 6138. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

H.R. 6198. An act to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3982. A bill to amend the Public Health Service Act to provide assured compensation for first responders injured by experimental vaccines and drugs.

S. 3983. A bill to amend the Public Health Service Act to provide assured compensation for first responders injured by experimental vaccines and drugs and to indemnify manufacturers and health care professional for the administration of medical products needed for biodefense.

S. 3992. A bill to amend the Exchange Rates and International Economic Policy Coordination Act of 1998 to clarify the definition of manipulation with respect to currency, and for other purposes.

S. 3993. A bill to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 3994. A bill to extend the Iran and Libya Sanctions Act of 1996.

S. 4041. A bill to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

H.R. 5252. A bill to promote the deployment of broadband networks and services (Rept. No. 109–354).

By Mr. McCAIN, from the Committee on Indian Affairs, without amendment:

S. 3648. A bill to compromise and settle all claims in the case of Pueblo of Isleta v. United States, to restore, improve, and develop the valuable on-reservation land and natural resources of the Pueblo, and for other purposes (Rept. No. 109–354).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2751. A bill to strengthen the National Oceanic and Atmospheric Administration's drought monitoring and forecasting capabilities (Rept. No. 109–356).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 3718. A bill to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes (Rept. No. 109–357).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted on September 28, 2006:

By Mr. WARNER for the Committee on Armed Services.

*Ronald J. James, of Ohio, to be an Assistant Secretary of the Army.

*Nelson M. Ford, of Virginia, to be an Assistant Secretary of the Army.

*Major General Todd I. Stewart, USAF, (Ret.), of Ohio, to be a Member of the National Security Education Board for a term of four years.

*John Edward Mansfield, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2011.

*Larry W. Brown, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2010.

*Peter Stanley Winokur, of Maryland, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2009.

Air Force nominations beginning with Col. Theresa M. Casey and ending with Col. Byron C. Hepburn, which nominations were received by the Senate and appeared in the Congressional Record on May 25, 2006. (minus 1 nominee: Col. Garbeth S. Graham)

Air Force nomination of Col. James A. Buntyn to be Brigadier General.

Air Force nomination of Brig. Gen. Johnny A. Weida to be Major General.

Air Force nomination of Maj. Gen. Loyd S. Utterback to be Lieutenant General.

Air Force nomination of Lt. Gen. Stephen G. Wood to be Lieutenant General.

Air Force nomination of Maj. Gen. Raymond E. Johns, Jr. to be Lieutenant General.

Air Force nomination of Lt. Gen. Robert D. Bishop, Jr. to be Lieutenant General.

Army nominations beginning with Colonel Joseph Anderson and ending with Colonel Perry L. Wiggins, which nominations were received by the Senate and appeared in the Congressional Record on April 24, 2006. (minus 1 nominee: Colonel Curtis D. Potts)

Army nomination of Brig. Gen. Carla G. Hawley-Bowland to be Major General.

Army nomination of Col. Julia A. Kraus to be Brigadier General.

Army nomination of Col. Rodney J. Barham to be Brigadier General.

Army nomination of Brig. Gen. Michael A. Kuehr to be Major General.

Army nomination of Gen. Bantz J. Craddock to be General.

Army nomination of Col. Simeon G. Trombitas to be Brigadier General.

Army nomination of Lt. Gen. Robert Wilson to be Lieutenant General.

Army nomination of Col. Stephen J. Hines to be Brigadier General.

Army nomination of Gen. Dan K. McNeill to be General.

Army nomination of Maj. Gen. Joseph F. Peterson to be Lieutenant General.

Army nomination of Maj. Gen. James D. Thurman to be Lieutenant General.

Army nomination of Lt. Gen. Peter W. Chiarelli to be Lieutenant General.

Army nomination of Lt. Gen. Charles C. Campbell to be General.

Marine Corps nomination of Maj. Gen. Ronald S. Coleman to be Lieutenant General.

Navy nomination of Capt. Matthew L. Nathan to be Rear Admiral (lower half).

Navy nominations beginning with Capt. William A. Brown and ending with Capt. Steven J. Romano, which nominations were received by the Senate and appeared in the Congressional Record on April 24, 2006.

Navy nomination of Vice Adm. James G. Stavridis to be Admiral.

Navy nomination of Rear Adm. (lh) Thomas R. Cullison to be Rear Admiral.

Navy nomination of Capt. Janice M. Hamby to be Rear Admiral (lower half).

Navy nomination of Capt. Steven R. Eastburg to be Rear Admiral (lower half).

Navy nominations beginning with Capt. Joseph F. Campbell and ending with Capt. Thomas J. Eccles, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2006.

Navy nomination of Vice Adm. Ann E. Rondeau to be Vice Admiral.

Navy nomination of Vice Adm. Mark P. Fitzgerald to be Vice Admiral.

Navy nomination of Vice Adm. Evan M. Chanik, Jr. to be Vice Admiral.

Navy nomination of Rear Adm. Michael K. Loose to be Vice Admiral.

Navy nomination of Vice Adm. Kevin J. Cosgriff to be Vice Admiral.

Navy nomination of Rear Adm. John J. Donnelly to be Vice Admiral.

Navy nomination of Rear Adm. Melvin G. Williams, Jr. to be Vice Admiral.

Navy nomination of Rear Adm. Paul S. Stanley to be Vice Admiral.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Raymond A. Bailey and ending with Andrew D. Woodrow, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Air Force nominations beginning with Richard E. Aaron and ending with Eric D. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Air Force nominations beginning with Gary J. Connor and ending with Michael T. Wingate, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Air Force nominations beginning with Gary J. Connor and ending with Efren E. Recto, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2006.

Air Force nominations beginning with Dennis R. Hayse and ending with John W. Woltz, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2006.

Air Force nomination of James J. Gallagher to be Colonel.

Air Force nomination of Norman S. West to be Lieutenant Colonel.

Air Force nomination of David P. Collette to be Major.

Air Force nomination of Paul M. Roberts to be Major.

Air Force nomination of Lisa D. Mihora to be Major.

Air Force nomination of David E. Edwards to be Colonel.

Air Force nominations beginning with Michael D. Backman and ending with Stan G. Cole, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Air Force nomination of Kevin Brackin to be Major.

Air Force nominations beginning with Amy K. Bachelor and ending with Anita R. Wolfe, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Air Force nominations beginning with John G. Bulick, Jr. and ending with Donald J. White, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Air Force nominations beginning with Timothy A. Adam and ending with Louis V. Zuccarello, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Air Force nominations beginning with Wade B. Adair and ending with Randall Webb, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Air Force nominations beginning with James W. Barber and ending with Steven P. Vandewalle, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Air Force nominations beginning with Dennis R. Hayse and ending with Rodney Phoenix, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2006.

Air Force nomination of Randall J. Reed to be Major.

Air Force nomination of Andrea R. Griffin to be Major.

Air Force nomination of Russell G. Boester to be Colonel.

Air Force nominations beginning with Russell G. Boester and ending with Vlad V. Stanila, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2006.

Army nominations beginning with Josslyn L. Aberle and ending with Frank H. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Army nominations beginning with Timothy F. Abbott and ending with X2566, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Army nominations beginning with Darryl K. Ahner and ending with Guy C. Younger, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Army nominations beginning with Robert L. Abbott and ending with X1943, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Army nominations beginning with Nakeda L. Jackson and ending with Steven R. Turner, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Army nominations beginning with Larry W. Applewhite and ending with Dennis H. Moon, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Army nomination of Katherine M. Brown to be Major.

Army nominations beginning with Jonathan E. Cheney and ending with James S. Newell, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Army nominations beginning with Kevin P. Buss and ending with Jill S. Vogel, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Army nomination of John Parsons to be Major.

Army nominations beginning with Page S. Albro and ending with Janet L. Prosser, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Army nominations beginning with Michael C. Doherty and ending with Nestor Soto, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Army nominations beginning with Heidi P. Terrio and ending with John H. Wu, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Army nominations beginning with Michael T. Abate and ending with X3541, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Army nominations beginning with James M. Camp and ending with Cathy E. Leppiaho, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2006.

Army nominations beginning with Robert J. Arnell III and ending with David A. White, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2006.

Army nominations beginning with James M. Foglemiller and ending with Timothy E. Gowen, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2006.

Army nomination of Michael L. Jones to be Colonel.

Army nominations beginning with Neelam Charaipotra and ending with Douglas Posey, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2006.

Army nomination of Sandra E. Roper to be Major.

Army nominations beginning with Gary W. Andrews and ending with Stephen D. Tableman, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2006. (minus 1 nominee: Robert R. Davenport)

Army nominations beginning with Josefina T. Guerrero and ending with Mary Zachariakurian, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2006.

Army nomination of Herbert B. Heavnber to be Colonel.

Army nomination of Paul P. Knetsche to be Lieutenant Colonel.

Army nominations beginning with Craig N. Carter and ending with Michael E. Fisher, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2006.

Army nomination of Louis R. Macareo to be Major.

Army nominations beginning with Donald A. Black and ending with Joseph O. Streff, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2006.

Army nominations beginning with Carol A. Bowen and ending with Paula M. B. Wolfert, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2006.

Army nominations beginning with Dirett C. Alfred and ending with Michael Youngblood, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2006.

Army nominations beginning with Karen E. Altman and ending with Ruth A. Yerardi, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2006.

Army nominations beginning with Robert D. Akerson and ending with Jerome Williams, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2006.

Marine Corps nomination of David M. Reilly to be Major.

Marine Corps nomination of Raul Rizzo to be Major.

Navy nominations beginning with Tracy A. Bergen and ending with Donald R. Wilkinson, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Navy nominations beginning with Michael N. Abreu and ending with Robert K. Williams, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Navy nominations beginning with Cristal B. Caler and ending with Kimberly J. Schulz, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Navy nominations beginning with Kevin L. Achterberg and ending with Peter A. Wu, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Navy nominations beginning with Scott R. Barry and ending with Jeffrey C. Woertz, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Navy nominations beginning with Ruth A. Bates and ending with Bruce G. Ward, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Navy nominations beginning with Darryl C. Adams and ending with Richard Westhoff III, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Navy nominations beginning with Alfred D. Anderson and ending with Michael R. Yohnke, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006.

Navy nominations beginning with Henry C. Adams III and ending with John J. Zuhowski, which nominations were received by the Senate and appeared in the Congressional Record on August 1, 2006 (minus 1 nominee: James R. Carlson II)

Navy nominations beginning with Lori J. Cicci and ending with John M. Poage, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2006.

Navy nominations beginning with Ryan G. Batchelor and ending with Jason T. Yauman, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Navy nominations beginning with Marc A. Aragon and ending with Robert A. Yee, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Navy nominations beginning with Michael J. Barriere and ending with Michael D. Wagner, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Navy nominations beginning with John A. Anderson and ending with Jay A. Young, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Navy nominations beginning with Gerard D. Avila and ending with Eddi L. Watson, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Navy nominations beginning with Rene V. Abadesco and ending with Michael W. F. Yawn, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Navy nominations beginning with Amy L. Bleidorn and ending with Micah A. Weltmer, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Navy nominations beginning with Corey B. Barker and ending with William R. Urban, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Navy nominations beginning with Nathaniel A. Bailey and ending with Matthew C. Young, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Navy nominations beginning with Tracy L. Blackhowell and ending with Sean M. Woodside, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Navy nominations beginning with Charles J. Ackerknecht and ending with James G. Zoulias, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2006.

Navy nominations beginning with Dennis K. Andrews and ending with Raymond M. Summerlin, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Navy nominations beginning with James S. Brown and ending with Winfred L. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Navy nominations beginning with Lillian A. Abuan and ending with Kevin T. Wright, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Navy nominations beginning with Andreas C. Alfer and ending with Alison E. Yerkey, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Navy nominations beginning with Michael J. Adams and ending with Heather A. Watts, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Navy nominations beginning with Emily Z. Allen and ending with Joseph W. Yates, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Navy nominations beginning with Karen L. Alexander and ending with John W. Zumwalt, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Navy nominations beginning with Alexander T. Abess and ending with Lauretta A. Ziajko, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Navy nominations beginning with Chad E. Betz and ending with Tracie M. Zielinski, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2006.

Navy nominations beginning with Wang S. Ohm and ending with Viktoria J. Rolff, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2006.

Navy nominations beginning with Ilin Chuang and ending with William P. Smith, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2006.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. SPECTER for the Committee on the Judiciary.

Marcia Morales Howard, of Florida, to be United States District Judge for the Middle District of Florida.

Leslie Southwick, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

Gregory Kent Frizzell, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma.

Lisa Godbey Wood, of Georgia, to be United States District Judge for the Southern District of Georgia.

Robert James Jonker, of Michigan, to be United States District Judge for the Western District of Michigan.

Paul Lewis Maloney, of Michigan, to be United States District Judge for the Western District of Michigan.

Janet T. Neff, of Michigan, to be United States District Judge for the Western District of Michigan.

Nora Barry Fischer, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Sharon Lynn Potter, of West Virginia, to be United States Attorney for the Northern District of West Virginia for the term of four years.

Deborah Jean Johnson Rhodes, of Alabama, to be United States Attorney for the Southern District of Alabama for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

FINANCIAL DISCLOSURE

Clyde Bishop, of Delaware, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Marshall Islands.

Nominee: Clyde Bishop.

Post: Ambassador to the Republic of the Marshall Islands.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: none.
3. Children and Spouses: Sean and Wilma Bishop: none; Jeanne Bishop and Kevin Deffenbaugh: none.

Parents: Deceased.

5. Grandparents: Deceased.
6. Brothers and Spouses: none.
7. Sisters and Spouses: Annette and Samuel Watson, none; Margeret Cave, none; Janet and Nahum Smith, none; Donald and Claudette Evans, none.

Charels L. Glazer, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

Nominee: Charles L. Glazer.

Post: Ambassador to El Salvador.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: $2,000, 4/26/2006, Connecticut Victory 2006; $1,000, 12/31/2005, Straight Talk America; $1,000, 10/03/2005, Republican National Committee; $1,000, 6/29/2005, Connecticut Republicans; $100, 10/06/2004, Martinez for Senate; $2,000, 9/17/2004, Bush-Cheney '04; $2,000, 8/13/2004, Joint Candidate Committee; $2,000, 8/06/2004, Shays for Congress; $25,000, 4/22/2004, RNC; $1,000, 3/26/2004, Simmons for Congress; $1,000, 3/19/2004, Shays for Congress; $25,000, 12/31/2003, RNC; $357, 11/18/2003, Bush-Cheney '04; $1,010, 9/15/2003, Bush-Cheney '04; $1,000, 3/25/2003, Arlen Spector; $1,000, 10/31/2002, Elizabeth Dole Committee; $1,000, 9/20/2002, Simmons for Congress; $250, 1/21/2002, Simmons for Congress.

2. Spouse: Janet H. Glazer: $1,000, 10/31/2002, Elizabeth Dole Committee.

3. Children and Spouses: Lindsay Hollis: none.

Charles Louis, Jr.: none.

Alexander Herbert: none.

4. Parents: Jean Meyer Mellitz: none.

Charles Sidney Glazer: Deceased.

5. Grandparents: Deceased.

6. Brothers and Spouses: none.

7. Sisters and Spouses: Patricia Glazer: $420, 6/01/2005, Hillary Rodham Clinton; $500, 9/22/2004, DNC Services Corp; $250, 9/14/2004, Emily's List; $500, 6/4/2004, John Kerry; $250, 4/26/2004, Move On.org.

Richard Mittenthal: $2,000, 8/06/2004, Kerry Victory 2004; $2,000, 8/06/2004, Kerry Victory 2004.

Frank Baxter, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Oriental Republic of Uruguay.

Nominee: Frank Edward Baxter.

Post: Ambassador to the Republic of Uruguay.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date and donee:

1. Self: $2,100.00, 06/06, Santorum 2006; $1,000.00, 06/06, Talent for Senate Committee; $1,000.00, 06/06, Friends of Congressman Tom Lantos; $(300.00), 05/06, ERIC PAC; $1,000.00, 05/06, Ken Calvert for Congress; $2,100.00, 05/06, Rick Santorum for Senate 2006; $25,000.00, 04/06, Republican National Committee; $(1,000.00), 03/06, Ensign for Senate; $2,000.00, 03/06, Mike DeWine for U.S. Senate; $2,000.00, 03/06, Ensign for Senate; $1,000.00, 03/06, Friends of George Allen; $2,000.00, 03/06, Jon Kyl for U.S. Senate; $2,000.00, 03/06, Mark Kennedy 2006; $1,000.00, 03/06, Mark Kennedy 2006; $900.00, 03/06, Friends of Conrad Burns—2006; $1,100.00, 03/06, Friends of Conrad Burns—2006; $2,100.00, 03/06, Steele for Maryland; $3,700.00, 03/06, National Republican Congressional Committee; $2,100.00, 03/06, Kevin McCarthy for Congress; $1,000.00, 02/06, Ed Royce for Congress; $1,000.00, 12/05 Evan Bayh Committee; $1,000.00, 11/05, Friends of Conrad Burns—2006; $5,000.00, 10/05, National Republican Senatorial Committee; $1,000.00, 09/05, ERIC PAC; $2,100.00, 09/05, Hastert for Congress Committee; $500.00, 08/05, Dan Burton for Congress Committee; $2,100.00, 08/05, Ensign for Senate; $500.00, 08/05, Ed Royce for Congress; $500.00, 06/05, Buck McKeon for Congress; $500.00, 06/05, Sharron Angle Your Voice in Congress; $1,000.00, 06/05, Ken Calvert for Congress; $1,000.00, 05/05, Talent for Senate Committee; $25,000.00, 04/05, Republican National Committee; $1,000.00, 03/05, Dan Burton for Congress Committee; $1,000.00, 03/05, Friends of George Allen; $2,000.00, 03/05, Hastert for Congress Committee; $500.00, 03/05, Ed Royce for Congress; $2,000.00, 02/05, 21st Century PAC; $2,000.00, 10/04, DeMint for Senate Committee; $1,000.00, 09/04, Hastert for Congress Committee; $500.00, 09/04, Ed Royce for Congress; $1,000.00, 09/04, Tim Escobar for Congress; $500.00, 08/04, Republican National Committee; $2,000.00, 07/04, Pete Coors for Senate; $(7,500.00), 07/04, National Republican Senatorial Committee; $500.00, 07/04, Ken Calvert for Congress; $(345.00), 07/04, Victory 2004/California Republican Party; $2,000.00, 06/04, Lungren for Congress; $2,000.00, 06/04, Bill Jones for U.S. Senate; $2,000.00, 06/04, McConnell Senate Committee 2008; $2,000.00, 06/04, McConnell Senate Committee 2008; $(5,000.00), 06/04, National Republican Congressional Committee; $500.00, 06/04, Coronado for Congress; $2,000.00, 06/04, Friends of Katherine Harris; $(515.00), 06/04, Republican Central Committee of LA County (Federal Account); $(5,000.00), 06/04, Los Angeles County Lincoln Clubs Political Action Committee; $2,000.00, 04/04, Martinez for Senate; $2,000.00, 03/04, Thune for U.S. Senate; $2,000.00, 03/04, Thune for U.S. Senate; $500.00, 03/04, Ed Royce for Congress; $1,000.00, 03/04, Tim Escobar for Congress; $(5,000.00), 03/04, Republican Central Committee of LA County (Federal Account); $1,000.00, 02/04, Rico Oller for Congress; $2,000.00, 02/04, Bill Jones for U.S. Senate; $500.00, 02/04, Dylan Glenn for Congress; $500.00, 02/04, DeMint for Senate Committee; $250.00, 02/04, Ed Royce for Congress; $25,000.00, 02/04, Republican National Committee; $1,000.00, 02/04, Hastert for Congress Committee; $(2,500.00), 02/04, Republican Central Committee of LA County (Federal Account); $500.00, 02/04, Friends of Ed Laning for U.S. Congress; $2,500.00, 01/04, Republican Central Committee of LA County (Federal Account); $250.00, 12/03, Cantor for Congress; $3,000.00, 11/03, 21st Century PAC; $2,000.00, 09/03, Toomey for Senate; $500.00, 09/03, Evan Bayh Committee; $250.00, 09/03, Ed Royce for Congress; $5,000.00, 09/03, Los Angeles County Lincoln Clubs Political Action Committee; $5,000.00, 09/03, Republican Central Committee of LA County (Federal Account); $345.00, 09/03, Victory 2004/California Republican Party; $5,000.00, 08/03, National Republican Congressional Committee; $500.00, 08/03, 21st Century PAC; $2,000.00, 07/03, Bluegrass Committee; $250.00, 06/03, Ed Royce for Congress; $2,000.00, 06/03, Bush-Cheney 2004 (Primary); $25,000.00, 05/03 Republican National Committee; $1,000.00, 03/03, Missourians for Kit Bond; $10,000.00, 03/03, National Republican Senatorial Committee; $515.00, 02/03, Victory 2004/California Republican Party; $1,000.00, 10/02, John Tbune for South Dakota; $1,000.00, 10/02, Dough Ose for Congress; $500.00, 09/02, Richard Pombo for Congress; $(5,000.00), 09/02, Republican Party of Florida; $(5,000.00), 08/02, Republican Party of Florida; $1,000.00, 07/02, Garrett for Congress 2002; $500.00, 07/02, Lindsey Graham for Senate; $1,000.00, 07/02, Devin Nunes Campaign Committee; $1,000.00, 06/02, Friends of Katherine Harris; $5,000.00, 06/02, Republican Party of Florida; $500.00, 05/02, King for Congress; $25,000.00, 04/02, Republican National State Elections Committee; $500.00, 04/02, Ed Royce for Congress; $1,000.00, 03/02, John Thune for South Dakota; $1,000.00, 03/02, Norm Coleman for U.S. Senate; $1,000.00, 02/02, Jim Patterson for Congress; $1,000.00, 02/02, Dough Ose for Congress.

2. Spouse: Kathrine Forest Baxter: $300.00, 06/06, ERIC PAC; $2,100.00, 06/06, Santorum '06; $25,000.00, 04/06, Republican National Committee; $3,700.00, 03/06, National Republican Congressional Committee; $1,000.00, 12/05, Walberg for Congress; $5,000.00, 10/05, National Republican Senatorial Committee; $2,100.00, 09/05, Hastert for Congress Committee; $2,100.00, 09/05, Hastert for Congress Committee; $25,000.00, 04/05, Republican National Committee; $2,000.00, 02/05, 21st Century PAC; $2,000.00, 10/04, Walcher for Congress; $2,000.00, 10/04, Martinez for Senate; $2,000.00, 10/04, Michels for U.S. Senate; $2,000.00, 10/04, Coburn for Senate Committee; $2,000.00, 10/04, Jeff Flake for Congress; $2,000.00, 10/04, Pete Coors for Senate; $2,000.00, 10/04, DeMint for Senate Committee; $7,500.00, 08/04, National Republican Senatorial Committee; $2,000.00, 06/04, McConnell Senate Committee; $2,000.00, 06/04, McConnell Senate Committee; $2,000.00, 06/04, Friends of Katherine Harris; $2,000.00, 06/04, Lungren for Congress; $2,000.00, 06/04, Bill Jones for U.S. Senate; $2,000.00, 03/04, Thune for U.S. Senate; $2,000.00, 03/04, Thune for U.S. Senate; $25,000.00, 02/04, Republican National Committee; $2,000.00, 02/04, Bill Jones for U.S. Senate; $25,000.00, 10/03, Republican National Committee; $2,000.00, 06/03, Bush-Cheney 2004 (Primary); $1,000.00, 10/02, John Thune for South Dakota; $1,000.00, 06/02, Monteith for Congress; $1,000.00, 04/02, Republican Party of Florida.

3. Children and Spouses: Stacey Bell: None.

Matthew Baxter: None.

Jaime Baxter: None.

Katherine Baxter-Silva: None.

Anthony Silva: None.

4. Parents: Deceased.

5. Grandparents: Deceased.

6. Brothers and Spouses: Joseph Baxter: $2,000.00, 10/03, Bush-Cheney 2004 (Primary).

Kathleen Baxter: $2,000.00, 10/03, Bush-Cheney 2004 (Primary).

James Baxter: None.

Elmer (''Mike'') Baxter: $200.00, 05/06, Holmes for Congress.

7. Sisters and Spouses: Jane Baxter: $200.00, 04/04, Democratic National Committee.

Genevieve Dunn: None.

Joel Dunn: None.

Mary Simons: None.

Rodney Simmons: None.

CALIFORNIA STATE AND LOCAL CONTRIBUTION REPORT

1. Self: Frank Edward Baxter: $500:00, 09/06; Friends of Glen Forsch; $1,000.00, 09/06, Parrish for Treasurer Committee; $1,000.00, 09/06, Tokofsky for School Board; $1,000.00, 09/06, Taxpayers for Bob Huff; $1,000.00, 09/06; Reelect Audra Strickland for Assembly; $500.00, 08/06, Taxpayers for Ackerman; $994.00, 08/06, California Republican Party; $5,000.00, 08/06, Californians To Stop 89; $1,000.00, 08/06, Kevin De Leon for State Assembly; $2,800.00, 08/06, McClintock for Lieutenant Governor; $2,800.00, 08/06, McPherson for Secretary of State; $2,000.00, 08/06, McPherson for Secretary of State; $5,600.00, 08/06, Poizner for Insurance Commissioner; $2,000.00, 08/06, Poochigian for Attorney General; $10,000.00, 07/06, Michael Antonovich Officeholder Account; $25,000.00, 07/06, Victory '06; $500.00, 06/06, Jose Juizar Office Holder Account; $1,000.00, 06/06, Friends of Ana Teresa Fernandez; $2,800.00, 06/06, McClintock for Lt. Governor; $1,000.00, 06/06, Rocky Delgadillo Officeholder Account; $5,000.00, 06/06, Tony Strickland for Controller; $1,000.00, 05/06, Mayoral Committee for Government Excellence; $10,000.00, 05/06, Monica Garcia for School Board; $10,000.00, 05/05, Republican Party of Los Angeles County; $25,000.00, 05/05, Stop the Reiner Initiative; $700.00, 04/06, Taxpayers for Bob Huff; $500.00, 04/06, Bill Rosendahl Officeholder Committee; $1,300.00, 04/06, Taxpayers for Bob Huff; $1,000.00, 03/06, Jack O'Connell 2006; $2,600.00, 03/06, Jack O'Connell 2006; $1,000.00, 03/06, Lee Baca Attorney;s Fees Fund; $2,500.00, 03/06, McPherson for Secretary of State; $2,100.00, 03/06,

McPherson for Secretary of State; $400.00, 03/06, McPherson for Secretary of State; $2,000.00 03/06, Richman for Treasurer; $5,000.00 03/06, Stop the Reiner Initiative; $1,600.00, 03/06, Tony Strickland for Controller; $100,000.00, 02/06, California Republican Party; $500.00, 02/06, Greig Smith Officeholder Committee; $3,600.00, 02/06, McClintock for Lt. Governor; $22,300.00, 01/06, Californians for Schwarzenegger; $5,000.00, 01/06, Committee to Elect Dr. Phil Kurzner; $20,000.00, 01/06, Friends of Ana Teresa Fernandez; $10,000.00, 01/06, Los Angeles County Lincoln Club; $5,000.00, 01/06, Monica Garcia for School Board; $1,000.00, 12/05, Curt Pringle for Mayor; $1,000.00, 12/05, McPherson for Secretary of State; $1,000.00, 12/05, Ming for City Council; $2,000.00, 11/05, Tony Strickland for Controller; $5,000.00, 10/05, California Recovery Team; $2,500.00, 10/05, Charles Poochigian for Attorney General; $1,000.00, 10/05, Yaroslavsky in 2006; $125,000.00, 09/05, Californians for Paycheck Protection; $125,000.00, 09/05, Californians for Paycheck Protection; $500.00, 09/05, Curt Pringle for Mayor; $1,000.00, 09/05, Friends of Nancy Comaford; $2,000.00, 09/05, Michelle Park Steel; $25,000.00, 09/05, Redistrict California; $2,000.00, 09/05, Wen Chang for City Council Committee; $500.00, 08/05, Audra Strickland for Assembly; $500.00, 08/05, Taxpayers for Brandon Powers; $1,000.00, 07/05, California College Republicans; $25,000.00, 07/05, California Recovery Team; $25,000.00, 07/05, California Republican Party; $2,000.00, 07/05, Greg Hill for Assembly 2005; $2,000.00, 07/05, McClintock for Lt. Governor; $1,000.00, 07/05, Michael Antonovich Officeholder Account; $1,000.00, 07/05, Gloria Molina 2006; $500.00, 07/05, Tom La Bonge for City Council; $48.00, 07/05, California Republican Party; $500.00, 06/05, Huizer for City Council; $600.00, 06/05, Randall Hernandez for Mayor; $2,000.00, 06/05, Tony Strickland for Controller; $1,000.00, 05/05, Jack O'Connell 2006; $1,000.00, 04/05, Antonioa Villaraigosa for Mayor; $500.00, 04/05, Audra Strickland for Assembly; $500.00, 04/05, Bill Rosendahl for City Council; $2,000.00, 04/05, Californians for Rocky Delgadillo; $2,000.00, 04/05, Charles Poochigian for Attorney General; $1,000.00, 04/05, David Tokofsky for School Board; $1,000.00, 04/05, Friends of Sheriff Lee Baca; $25,000.00, 04/05, Small Business Action Committee; $1,000.00, 03/05, Hahn for Mayor 2005; $1,000.00, 03/05, Michelle Park Steel; $10,000.00, 03/05, Republican Party of Los Angeles County; $50,000.00, 03/05, Small Business Action Committee; $765.17, 03/05, Small Business Action Committee; $22,300.00, 02/05, California Recovery Team; $50,000.00, 02/05, California Republican Party; $22,300.00, 02/05, Californians for Schwarzenegger; $2,500.00, 01/05, California Club for Growth; $500.00, 01/05, Greig Smith Officeholder Committee; $1,000.00, 01/05, Jack O'Connell 2006; $1,000.00, 01/05, Jon Lauritzen for LA School Board; $1,000.00, 11/04, Villaraigosa for Mayor; $1,000.00, 11/04, Yaroslavsky Officeholder Account; $1,000.00, 10/04, Ackerman for Senate; $5,000.00, 10/04, California Club for Growth; $10,000.00, 10/04, California Recovery Team; $5,000.00, 10/04, No New Taxes Committee; $500.00, 10/04, Peters for Assembly; $5,000.00, 10/04, Yes on Proposition 1A; $500.00, 09/04, Alan Wapner for State Assembly; $3,200.00, 09/04, Audra Strickland for Assembly; $500.00, 09/04, Gabriel for Assembly; $500.00, 09/04, Garcetti for City Council; $500.00, 09/04, Los Angeles County Lincoln Club; $10,000.00, 09/04, Los Angeles County Lincoln Club; $10,000.00, 09/04, New Majority; $500.00, 09/04, Peters for Assembly; $3,200.00, 09/04, Podesto for Senate; $5,000.00, 08/04, Friends of Margaret Quinones; $100.00, 08/04, Los Angeles County Lincoln Club; $100.00, 08/04, Pacific Palisades Republican Party; $500.00, 08/04, Greg Hill for Assembly; $10,000.00, 07/04, California Recovery Team; $25,000.00, 07/04, California Republican Party; $345.00, 07/04, California Republican Party; $500.00, 07/04, Devore in 2004; $1,000.00, 07/04, Michael Antonovich Officeholder Account; $1,000.00, 07/04, Republican Party of Los Angeles County; $9,000.00, 07/04, Republican Party of Los Angeles County; $515.00, 07/04, Republican Party of Los Angeles County; $500.00, 07/04, Rocky Delgadillo Officeholder Account; $1,000.00, 06/04, Bernard Parks for Mayor; $5,300.00, 06/04, Bill Simon for Treasurer; $5,300.00, 06/04, Bill Simon for Treasurer; $1,000.00, 06/04, Bob Hertzberg for a Great LA; $5,000.00, 06/04, Californians Against Higher Property Taxes; $1,000.00, 06/04, David Tokofsky for School Board; $1,000.00, 06/04, Greg Hill for Assembly; $2,000.00, 06/04, Jose Huizar; $500.00, 06/04, Krisiloff for City Council; $5,000.00, 06/04, Los Angeles County Lincoln Club; $500.00, 06/04, Ming for City Council; $500.00, 06/04, Peters for Assembly; $500.00, 05/04, Castellanos for Senate; $2,000.00, 05/04, Friends of Marlene Canter; $3,200.00, 05/04, Taxpayers for Bob Huff; $1,000.00, 04/04, Audra Strickland for Assembly; $500.00, 04/04, Gabriel for Assembly; $3,200.00, 04/04, McClintock for Senate; $500.00, 04/04, Re-elect Rocky Delgadillo; $5,000.00, 04/04, Republican Party of Los Angeles County; $500.00, 03/04, Alan Wapner for State Assembly; $3,200.00, 03/04, Bob Pohl for Assembly; $25,000.00, 03/04, California Republican Party; $500.00, 03/04, Committee to Re-elect Dennis Zine; $500.00, 04/04, Curt Pringle for Mayor; $1,000.00, 03/04, Hahn for Mayor 2005; $1,000.00, 03/04, Kuykendall Assembly Committee; $350.00, 03/04, Ming for City Council; $25,000.00, 02/04, California Recovery Team; $5,000.00, 02/04, Committee for Quality Neighborhood Schools; $1,000.00, 02/04, Friends of Bonnie Garcia; $1,000.00, 02/04, Mark Isler for Assembly; $2,500.00, 02/04, Republican Party of Los Angeles County; $2,500.00, 02/04, Republican Party of Los Angeles County; $5,300.00, 01/04, Committee to Elect Dr. Phil Kurzner; $5,000.00, 12/03, Republican Future; $30.00, 11/03, Los Angeles County Lincoln Club; $500.00, 10/03, Greig Smith Officerholder Committee; $1,000.00, 10/03, Jose Huizar; $30.00, 10/03, Los Angeles County Lincoln Club; $3,000.00, 09/03, California College Republicans; $345.00, 09/03, California Republican Party; $21,200.00, 09/03, Californians for Schwarzenegger; $2,000.00, 09/03, Coalition to Reform Frivolous Lawsuits; $5,000.00, 09/03, Los Angeles County Lincoln Club; $3,200.00, 09/03, Reformers for Steve Poizner; $10,000.00, 09/03, Total Recall; $30.00, 08/03, Los Angeles County Lincoln Club; $250.00, 08/03, Mike Spence for West Covina School Board; $10,000.00, 08/03, Rescue California; $21,200.00, 07/03, Bill Simon for Governor; $5,000.00, 07/03, California Republican Party; $30.00, 07/03, Los Angeles County Lincoln Club; $500.00, 07/03, Rocky Delgadillo Officeholder Account; $500.00, 06/03, Re-Elect Supervisor Don Knabe; $3,200.00, 06/03, Tom McClintock for Senate; $30.00, 05/03, Los Angeles County Lincoln Club; $500.00, 05/03, Re-Elect Steve Colley; $234.70, 05/03, Republican Party of Los Angeles County; $500.00, 05/03, Tom La Bonge for City Council; $5,000.00, 04/03, California Republican Party; $5,000.00, 04/03, California Republican Party; $5,000.00, 04/03, Coalition for Kids; $500.00, 04/03, Greig Smith for City Council; $30.00, 04/03, Los Angeles County Lincoln Club; $500.00, 03/03, Curt Pringle for Mayor; $1,000.00, 03/03, Friends of Antonovich; $2,000.00, 03/03, Lincoln Club of Northern California; $500.00, 02/03, 53rd ADRCC; $5,000.00, 02/03, Coalition for Kids; $1,000.00, 02/03, Genethia Hudley-Hayes for School Board; $5,000.00, 02/03, Republican Party of Los Angeles County; $1.000.00, 01/03, Mark Isler for Community College Board; $2,500.00, 12/02, Caprice Young for School Board; $20,000.00, 12/02, Coalition for Kids; $500.00, 12/02, Re-Elect Steve Cooley for District Attorney; $2,000.00, 12/02, Tony Strickland for Assembly; $2,000.00, 10/02, Andrea Strickland for Assembly; $25,000.00, 10/02, Bill Simon for Governor; $50,000.00, 09/02, Bill Simon for Governor; $1,000.00, 09/02, Dick Ackerman for Attorney General; $1,000.00, 09/02, Friends of Bob Pacheco; $500.00, 09/02, Keith Olberg for Secretary of State; $500.00, 08/02, Greg Conlon for State Treasurer; $1,344.96, 07/02, Bill Simon for Governor; $1,000.00, 07/02, Keith Olberg for Secretary of State; $500.00, 07/02, Rocky Delgaldillo Officeholder Account; $1,000.00, 07/02, Tom McClintock for Controller; $1,000.00, 06/02, Genethia Hudley-Hayes for School Board; $1,104.33, 06/02, Bill Simon for Governor; $500.00, 06/02, Michael Wissot for California; $1,000.00, 05/02, Gary Mendoza for Insurance Commissioner; $9,818.85, 04/02, Citizens for After School Program; $500.00, 04/02, Curt Pringle for Mayor; $100,000.00, 04/02, Bill Simon for Governor; $500.00, 03/02, Claude Parrish for State Board of Equalization; $1,658.67, 03/02, Bill Simon for Governor; $500.00, 02/02, Michael Antonovich Officeholder Account; $500.00, 02/02, Friends of Sheriff Lee Baca; $1,000.00, 02/02, Tom McClintock for Controller; $2,000.00, 02/02 Caprice Young for School Board.

OTHER STATE AND LOCAL CONTRIBUTION REPORT

$2,000.00, 08/06, Bob Ehrlich for Maryland; $5,000.00, 05/06, Swann for Governor; $1,000.00, 04/06, Ken Blackwell for Governor; $2,000.00, 04/06, DeVos for Governor; $2,000.00, 03/06, Friends of Tom Suozzi; $2,000.00, 12/05 Team 88; $1,000.00, 12/05, Weld for New York; $500.00, 09/05, Campaign of Nick Loeb; $500.00, 06/05, Charlie Crist for Governor; $5,000.00, 08/04, Booker Team for Newark; $500.00, 08/04, Committee to Re-elect Kevin P. Chavous; $1,000.00, 04/02, Booker Team; $1,000.00, 03/02, Empower the People; $1,000.00, 03/02, Friends of Pataki.

CALIFORNIA STATE AND LOCAL CONTRIBUTION REPORT

2. Spouse: Kathrine Forest Baxter; $2,200.00, 02/06, Californians for Schwarzenegger; $42,400.00, 01/06, Californians for Schwarzenegger; $1,000.00, 10/05, Yarosloavsky in 2006; $600.00, 06/05, Randal Hernandez for Mayor; $500.00, 06/05, Jose Huizar for City Council; $1,000.00, 04/05, Friends of Sheriff Lee Baca; $1,000.00, 02/05, Jerry Brown for Attorney General; $1,000.00, 02/05, Bob Hertzberg for Mayor; $10,600.00, 12/04, Bill Simon for Treasurer; $1,000.00, 06/04, Bernard Parks for Mayor; $500.00, 06/04, Robert Ming for City Council; $350.00, 03/04, Robert Ming for City Council; $500.00, 11/03, Tom La Bonge for City Council; $5,000.00, 08/03, Californians for Schwarzenegger; $500.00, 08/03, Greig Smith for City Council; $1,000.00, 08/03, Re-Elect Steve Cooley; $1,000.00, 07/03, Friends of Antonovich; $500.00, 06/03, Re-Elect Supervisor Don Knabe; $500.00, 05/03, Taxpayers for Bob Huff; $5,000.00, 04/03, David Tokofsky for School Board; $25,000.00, 08/02, Bill Simon for Governor; $30,000.00, 01/02, Californians for Richard Riordan.

OTHER STATE AND LOCAL CONTRIBUTION REPORT

$1,000.00, 08/06, Carcieri for Governor; $500.00, 06/05, Charlie Crist for Governor.

STATE AND LOCAL CONTRIBUTION REPORT

Children and Spouses: Stacey Bell: None.
Matthew Baxter: None.
Jaime Baxter: None.
Katherine Baxter-Silva: None.
Anthony Silva: None.
Parents: Deceased.
Grandparents: Deceased.
Brothers and Spouses: Joseph Baxter: None.
Kathleen Baxter: None.
James Baxter: None.
Elmer (''Mike'') Baxter: None.
Sisters and Spouses: Jane Baxter: None.

Genevieve Dunn: None.
Joel Dunn: None.
Mary Simmons: None.
Rodney Simmons: None.

Donald Y. Yamamoto, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Democratic Republic of Ethiopia.

Nominee: Donald Y. Yamamoto.
Post: Ambassador to Ethiopia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:
1. Self: None.
2. Spouse: None.
3. Children and Spouses: Michael: None.
Laura: None.
4. Parents: Hideo and Sachiko Yamamoto: None.
5. Grandparents: Deceased.
6. Brothers and Spouses: Ronald Yamamoto: None.
7. Sisters and Spouses: None.

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. REID:

S. 3994. A bill to extend the Iran and Libya Sanctions Act of 1996; read the first time.

By Mr. DEMINT (for himself and Mr. OBAMA):

S. 3995. A bill to provide education opportunity grants to low-income secondary school students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SALAZAR (for himself and Mr. ALLARD):

S. 3996. A bill to amend the Internal Revenue Code of 1986 to allow section 1031 treatment for exchanges involving certain mutual ditch, reservoir, or irrigation company stock; to the Committee on Finance.

By Mr. SANTORUM:

S. 3997. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax proportional to the number of million British thermal units of natural gas produced by a high Btu fuel facility; to the Committee on Finance.

By Mr. FEINGOLD:

S. 3998. A bill to amend the Servicemembers Civil Relief Act to provide relief for servicemembers with respect to contracts for cellular phone service, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. CLINTON:

S. 3999. A bill to amend the Rural Electrification Act of 1936 to establish an Office of Rural Broadband Initiatives in the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LUGAR:

S. 4000. A bill to amend the Internal Revenue Code of 1986 to modify the alcohol credit and the alternative fuel credit, to amend the Clean Air Act to promote the installation of fuel pumps for E-85 fuel, to amend title 49 of the United States Code to require the manufacture of dual fueled automobiles, and for other purposes; to the Committee on Finance.

By Mr. SUNUNU (for himself, Mr. LEAHY, Mr. GREGG, and Mr. JEFFORDS):

S. 4001. A bill to designate certain land in New England as wilderness for inclusion in the National Preservation system and certain land as a National Recreation Area, and for other purposes; considered and passed.

By Mr. BAUCUS:

S. 4002. A bill to establish the Canyon Ferry National Recreation Area in the State of Montana, to establish the Canyon Ferry Recreation Management Fund, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself and Mr. LUGAR):

S. 4003. A bill to require the Secretary of Energy to award funds to study the feasibility of constructing 1 or more dedicated ethanol pipelines to increase the energy, economic, and environmental security of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. 4004. A bill to suspend temporarily the duty on certain structures, parts, and components for use in an isotopic separation facility in southern Ohio; to the Committee on Finance.

By Mr. MARTINEZ (for himself, Mr. VITTER, Mr. NELSON of Florida, and Ms. LANDRIEU):

S. 4005. A bill to establish the National Hurricane Research Initiative to improve hurricane preparedness, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLEN (for himself and Mr. INHOFE):

S. 4006. A bill to amend the Technology Administration Act of 1998 to encourage United States leadership in the development, application, and use of commercial space and airborne remote sensing and other geospatial information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI:

S. 4007. A bill to authorize the Secretary of the Interior to conduct feasibility studies to identify opportunities to increase the surface flows of the Rio Grande, Canadian, and Pecos Rivers in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 4008. A bill to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ:

S. 4009. A bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes; to the Committee on the Judiciary.

By Mr. MENENDEZ:

S. 4010. A bill to amend the Toxic Control Substance Act, the Comprehensive Environmental Response, Compensation, and Liabilitiy Act of 1980, the Emergency Planning and Right-To-Know Act of 1986, and the Federal Hazardous Substances Act, and to authorize the Administrator of the Environmental Protection Agency to provide grants to States to protect children and other vulnerable sub-populations from exposure to environmental pollutants, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COLEMAN:

S. 4011. A bill to amend the Medicare Prescription Drug, Improvement and Modernization Act of 2003 to restore State authority to waive the application of the 35-mile rule to permit the designation of a critical access hospital in Cass County, Minnesota; to the Committee on Finance.

By Mr. THUNE:

S. 4012. A bill to promote a substantial commercial coal-to-fuel industry and decrease the dependence of the United States on foreign oil, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 4013. A bill to amend the Internal Revenue Code of 1986 to expand the resources eligible for the renewable energy credit to kinetic hydropower, and for other purposes; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. FRIST, Mr. BIDEN, Mr. SMITH, and Mr. MCCAIN):

S. 4014. A bill to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of Albania, Croatia, Georgia, and Macedonia to NATO, and for other purposes; to the Committee on Foreign Relations.

By Mr. CORNYN:

S. 4015. A bill to amend the Internal Revenue Code of 1986 to increase the amount of gain excluded from the sale of a principal residence; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LEAHY, and Ms. STABENOW):

S. 4016. A bill to amend the Public Health Service Act to provide the licensing of comparable biological products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 4017. A bill to provide for an appeals process for hospital wage index classification under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. KERRY, and Mr. OBAMA):

S. 4018. A bill to establish a Vote by Mail grant program; to the Committee on Rules and Administration.

By Mrs. BOXER:

S. 4019. A bill to require persons seeking approval for a liquefied natural gas facility to identify employees and agents engaged in activities to persuade communities of the benefits of the approval; to the Committee on Energy and Natural Resources.

By Mr. DAYTON (for himself, Mr. OBAMA, Mr. DURBIN, Ms. STABENOW, Mr. DORGAN, and Mr. HARKIN):

S. 4020. A bill to amend the Petroleum Marketing Practices Act to prohibit restrictions on the installation of renewable fuel pumps, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON (for herself, Mr. SCHUMER, and Mr. KENNEDY):

S. 4021. A bill to amend title XVIII of the Social Security Act to provide for comprehensive health benefits for the relief of individuals whose health was adversely affected by the 9/11 disaster; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. SCHUMER, and Mr. KENNEDY):

S. 4022. A bill to provide protections and services to certain individuals after the terrorist attack on September 11, 2001, in New York City, in the State of New York, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S. 4023. A bill to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. OBAMA, and Mr. BINGAMAN):

S. 4024. A bill to amend the Public Health Service Act to improve the health and healthcare of racial and ethnic minority and other health disparity populations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER (for himself, Mr. LOTT, Mr. LEAHY, and Ms. LANDRIEU):

S. 4025. A bill to strengthen antitrust enforcement in the insurance industry; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 4026. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Finance.

By Mr. HATCH:

S. 4027. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for certain professional development and other expenses of elementary and secondary school teachers and for certain certification expenses of individuals becoming science, technology engineering, or math teachers; to the Committee on Finance.

By Mr. MENENDEZ:

S. 4028. A bill to fight criminal gangs; to the Committee on the Judiciary.

By Mrs. CLINTON:

S. 4029. A bill to increase the number of well-educated nurses, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH:

S. 4030. A bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts, and for other purposes; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 4031. A bill to require prisons and other detention facilities holding Federal prisoners or detainees under a contract with the Federal Government to make the same information available to the public that Federal prisons and detention facilities are required to do by law; to the Committee on the Judiciary.

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

S. 4032. A bill to discourage international assistance to the nuclear program of Iran and transfers to Iran of advanced conventional weapons and missiles; to the Committee on Foreign Relations.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mr. DURBIN, Mr. SCHUMER, and Mrs. CLINTON):

S. 4033. A bill to provide for Kindergarden Plus programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself and Mrs. CLINTON):

S. 4034. A bill to amend title 18 of the United States code to prohibit certain types of vote tampering; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 4035. A bill to amend the Higher Education Act of 1965 to repeal the school as lender program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER (for himself, Ms. SNOWE, Mr. BAYH, Ms. COLLINS, Mr. SALAZAR, and Mr. CHAFEE):

S. 4036. A bill to establish procedures for the expedited consideration by Congress of certain proposals by the President to rescind amounts of budget authority and reinstate pay-as-you-go; to the Committee on the Budget.

By Mr. SCHUMER:

S. 4037. A bill to amend the Consumer Credit Protection Act to protect consumers from inadequate disclosures and certain abusive practices in rent-to-own transactions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SARBANES:

S. 4038. A bill to establish the bipartisan and independent Commission on Global Resources, Environment, and Security, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 4039. A bill to amend the Clean Air Act to establish an economy-wide global warming pollution emission cap-and-trade program to assist the economy in transitioning to new clean energy technologies, to protect employees and affected communities, to protect companies and consumers from significant increases in energy costs, and for other purposes; to the Committee on Finance.

By Mr. LEAHY:

S. 4040. A bill to ensure that innovations developed at federally-funded institutions are available in certain developing countries at the lowest possible cost; to the Committee on the Judiciary.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 4041. A bill to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes; read the first time.

By Mr. DURBIN (for himself, Mr. CHAMBLISS, Mr. CONRAD, and Mr. BAYH):

S. 4042. A bill to amend title 18, United States Code, to prohibit disruptions of funerals of members or former members of the Armed Forces; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 4043. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to designate a portion of Interstate Route 14 as a high priority corridor, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself and Mr. OBAMA):

S. 4044. A bill to clarify the treatment of certain charitable contributions under title 11, United States Code; considered and passed.

By Mr. ALLEN (for himself and Mr. WARNER):

S. 4045. A bill to designate the United States courthouse located at the intersections of Broad Street, Seventh Street, Grace Street, and Eighth Street in Richmond, Virginia, as the ''Spottswood W. Robinson III and Robert Merhige Jr. Courthouse''; to the Committee on Environment and Public Works.

By Mrs. DOLE:

S.J. Res. 41. A joint resolution recognizing the contributions of the Christmas tree industry to the United States economy and urging the Secretary of Agriculture to establish programs to raise awareness of the importance of the Christmas tree industry; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself and Mr. KERRY):

S. Res. 591. A resolution calling for the strengthening of the efforts of the United States to defeat the Taliban and terrorist networks in Afghanistan and to help Afghanistan develop long-term political stability and economic prosperity; to the Committee on Foreign Relations.

By Mr. SANTORUM:

S. Res. 592. A resolution designating the week of November 5 through 11, 2006, as ''Long-Term Care Awareness Week''; to the Committee on the Judiciary.

By Mr. ALLEN (for himself and Mr. WARNER):

S. Res. 593. A resolution supporting the goals and ideals of National Children and Families Day to encourage the adults of the United States to support and listen to children and to help children throughout the United States achieve their hopes and dreams; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. COLEMAN, Mr. KENNEDY, Mr. HARKIN, Mr. DAYTON, Mr. FEINGOLD, Mr. REED, Mr. DODD, Mrs. MURRAY, and Mr. LAUTENBERG):

S. Res. 594. A resolution expressing the sense of the Senate that Senator Paul Wellstone should be remembered for his compassion and leadership on social issues and that Congress should act to end discrimination against citizens of the United State who live with a mental illness by making legislation relating to mental health parity a priority for the 110th Congress; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mrs. BOXER, and Mrs. FEINSTEIN):

S. Res. 595. A resolution recognizing the Lawrence Berkeley National Laboratory as one of the premier science and research institutions of the world; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself, Ms. SNOWE, Mr. PRYOR, Mr. SANTORUM, Mr. KERRY, and Mr. MENENDEZ):

S. Res. 596. A resolution designating Tuesday, October 10, 2006, as ''National Firefighter Appreciation Day'' to honor and celebrate the firefighters of the United States; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself, Mr. SALAZAR, Mr. MARTINEZ, Mr. BINGAMAN, and Mr. NELSON of Florida):

S. Res. 597. A resolution designating the period beginning on October 8, 2006, and ending on October 14, 2006, as ''National Hispanic Media Week'', in honor of the Hispanic media of the United States; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself, Mr. DODD, Mr. COCHRAN, Mr. INHOFE, Mr. AKAKA, Mr. PRYOR, Mr. TALENT, Ms. STABENOW, Mr. MARTINEZ, Mr. CRAIG, Mr. KERRY, Mr. SALAZAR, Mr. LIEBERMAN, Mr. STEVENS, Mr. ALEXANDER, Mr. ROCKEFELLER, Mr. JOHNSON, Mr. ENSIGN, Mr. LEVIN, Mr. ALLEN, Mr. DURBIN, Mr. BIDEN, Mr. VOINOVICH, Ms. MURKOWSKI, Mrs. DOLE, and Mr. ENZI):

S. Res. 598. A resolution designating the week beginning October 15, 2006, as ''National Character Counts Week''; to the Committee on the Judiciary.

By Mr. REED (for himself, Ms. COLLINS, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. SARBANES, Ms. MIKULSKI, Mr. DODD, Mr. BIDEN, Mr. NELSON of Nebraska, Mrs. MURRAY, Mr. WYDEN, Ms. STABENOW, Ms. CANTWELL, Mr. FEINGOLD, Mr. INOUYE, Mr. JOHNSON, Mr. CARPER, Mr. DEWINE, Mr. OBAMA, Mr. CHAFEE, Mr. KERRY, Mr. DURBIN, Mr. LEVIN, Mrs. CLINTON, Mrs. LINCOLN, Mr. SCHUMER, Mr. BOND, Mr. SANTORUM, Mr. PRYOR, Ms.

SNOWE, Ms. LANDRIEU, Mr. HAGEL, Mr. LEAHY, Mr. SPECTER, Mr. BAYH, Mr. MENENDEZ, Mrs. BOXER, and Mrs. FEINSTEIN):

S. Res. 599. A resolution designating the week of October 23, 2006, through October 27, 2006, as ''National Childhood Lead Poisoning Prevention Week''; to the Committee on the Judiciary.

By Mr. BYRD (for himself, Mr. LUGAR, Mr. ROCKEFELLER, Mr. KERRY, Mr. BINGAMAN, Ms. STABENOW, Mr. ENSIGN, Ms. CANTWELL, Mr. DODD, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. LEVIN, Mr. WYDEN, Mr. BURR, Mr. BAYH, Mr. BIDEN, Mr. DEWINE, Mr. DURBIN, Mr. DORGAN, Mr. LIEBERMAN, Mr. CONRAD, Mr. SALAZAR, Mr. HAGEL, Mr. GRASSLEY, and Mr. REID):

S. Res. 600. A resolution designating October 12, 2006, as ''National Alternative Fuel Vehicle Day''; to the Committee on the Judiciary.

By Mr. MARTINEZ (for himself, Mr. SALAZAR, Mr. MENENDEZ, and Mr. NELSON of Florida):

S. Res. 601. A resolution recognizing the efforts and contributions of outstanding Hispanic scientists in the United States; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. DORGAN, and Mr. STEVENS):

S. Res. 602. A resolution memorializing and honoring the contributions of Byron Nelson; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. BENNETT):

S. Res. 603. A resolution designating Thursday, November 16, 2006, as ''Feed America Day''; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself, Ms. SNOWE, Mr. INOUYE, Ms. LANDRIEU, Mr. VITTER, Mr. NELSON of Nebraska, Mr. SHELBY, Mr. DEMINT, Mr. COCHRAN, and Mr. MARTINEZ):

S. Res. 604. A resolution recognizing the work and accomplishments of Mr. Britt ''Max'' Mayfield, Director of the National Hurricane Center's Tropical Prediction Center upon his retirement; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN (for himself, Mr. COLEMAN, Mr. DAYTON, Mr. KENNEDY, Mr. HARKIN, Mr. LEAHY, Mr. FEINGOLD, Mr. REED, Mr. DODD, Mrs. MURRAY, and Mr. LAUTENBERG):

S. Res. 605. A resolution expressing the sense of the Senate that Senator Paul Wellstone should be remembered for his compassion and leadership on social issues and that Congress should act to end discrimination against citizens of the United States who live with a mental illness by making legislation relating to mental health parity a priority for the 110th Congress; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURNS (for himself, Ms. CANTWELL, Mr. BENNETT, Mr. ISAKSON, Mr. INHOFE, Mr. ALLEN, Mrs. BOXER, Ms. MURKOWSKI, Ms. SNOWE, Ms. COLLINS, and Mr. SMITH):

S. Res. 606. A resolution expressing the sense of the Senate with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month; to the Committee on Commerce, Science, and Transportation.

By Mr. BUNNING (for himself, Mr. NELSON of Nebraska, Mr. ALLEN, Mr. CHAMBLISS, Mr. COBURN, Mr. CORNYN, Mr. CRAIG, Mr. GRASSLEY, Mr. INHOFE, Mr. ISAKSON, Mr. VITTER, Mr. ENSIGN, Mr. LUGAR, Mr. FRIST, Mr. KYL, Mr. SUNUNU, Mr. NELSON of Florida, Mr. COLEMAN, Mr. MARTINEZ, and Mr. BURNS):

S. Res. 607. A resolution admonishing the statements made by President Hugo Chavez at the United Nations General Assembly on September 20, 2006, and the undemocratic actions of President Chavez; to the Committee on Foreign Relations.

By Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. NELSON of Florida, Mr. DURBIN, Mr. CORNYN, Mr. DOMENICI, Mr. LAUTENBERG, Mr. SMITH, Mr. FRIST, Mr. MCCAIN, Mr. KENNEDY, Mr. SALAZAR, Mr. REID, Mr. MARTINEZ, Mrs. CLINTON, Mr. LIEBERMAN, Mrs. BOXER, and Mr. MENENDEZ):

S. Res. 608. A resolution recognizing the contributions of Hispanic Serving Institutions, and the 20 years of educational endeavors provided by the Hispanic Association of Colleges and Universities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURR (for himself, Mr. ALEXANDER, and Mr. ISAKSON):

S. Res. 609. A resolution honoring the children's charities, youth-serving organizations, and other nongovernmental organizations committed to enriching and bettering the lives of children and designating the week of September 24, 2006, as ''Child Awareness Week''; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. INOUYE, Mr. LUGAR, Mr. WARNER, Ms. MURKOWSKI, Mr. CHAFEE, Mr. DEMINT, Mr. MCCAIN, Ms. SNOWE, Ms. COLLINS, Mr. SMITH, Mr. LAUTENBERG, Mrs. BOXER, Mr. DODD, Mr. MENENDEZ, Ms. CANTWELL, Ms. LANDRIEU, Mr. JEFFORDS, Mr. COCHRAN, Mr. LIEBERMAN, Mr. KERRY, and Mrs. FEINSTEIN):

S. Res. 610. A resolution expressing the sense of the Senate that the United States should promote the adoption of, and the United Nations should adopt, a resolution at its October meeting to protect the living resources of the high seas from destructive, illegal, unreported, and unregulated fishing practices; to the Committee on Foreign Relations.

By Mr. FEINGOLD (for himself, Mr. HAGEL, Ms. LANDRIEU, and Mr. DEWINE):

S. Res. 611. A resolution supporting the efforts of the Independent National Electoral Commission of the Government of Nigeria, political parties, civil society, religious organizations, and the people of Nigeria from one civilian government to another in to he general elections to be held in April 2007; to the Committee on Foreign Relations.

By Mr. AKAKA:

S. Con. Res. 121. A concurrent resolution expressing the sense of the Congress that joint custody laws for fit parents should be passed by each State, so that more children are raised with the benefits of having a father and a mother in their lives; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. CRAIG, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 359, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 394

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 394, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 401

At the request of Mr. HARKIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 401, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 842

At the request of Mr. KENNEDY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 842, a bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1326

At the request of Mr. SESSIONS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1326, a bill to require agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft.

S. 1353

At the request of Mr. REID, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1440

At the request of Mr. CRAPO, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 1508

At the request of Mr. FEINGOLD, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1508, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 1948

At the request of Mrs. CLINTON, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 2154

At the request of Mr. REID, his name was added as a cosponsor of S. 2154, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. 2322

At the request of Mr. ENZI, the name of the Senator from Utah (Mr. HATCH) 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. 2563

At the request of Mr. COCHRAN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA-PD plans under such part.

S. 3485

At the request of Mr. DORGAN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3485, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 3535

At the request of Mr. TALENT, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 3535, a bill to modernize and update the National Housing Act and to enable the Federal Housing Administration to use risk based pricing to more effectively reach underserved borrowers, and for other purposes.

S. 3616

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3616, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to preserve affordable housing in multifamily housing units which are sold or exchanged.

S. 3651

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3651, a bill to reduce child marriage, and for other purposes.

S. 3655

At the request of Mr. CRAIG, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3655, a bill to amend the Internal Revenue Code of 1986 to allow individuals eligible for veterans health benefits to contribute to health savings accounts.

S. 3696

At the request of Mr. BROWNBACK, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 3696, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 3703

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3703, a bill to provide for a temporary process for individuals entering the Medicare coverage gap to switch to a plan that provides coverage in the gap.

S. 3705

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 3705, a bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes.

S. 3744

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER), the Senator from Nevada (Mr. REID), the Senator from Washington (Ms. CANTWELL), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Georgia (Mr. ISAKSON) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3787

At the request of Mr. SANTORUM, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 3787, a bill to establish a congressional Commission on the Abolition of Modern-Day Slavery.

S. 3792

At the request of Mr. MARTINEZ, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3792, a bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for qualified elementary and secondary education tuition.

S. 3814

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3814, a bill to amend part B of title XVIII of the Social Security Act to restore the Medicare treatment of ownership of oxygen equipment to that in effect before enactment of the Deficit Reduction Act of 2005.

S. 3828

At the request of Mr. INHOFE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3828, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 3883

At the request of Mr. COLEMAN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 3883, a bill to amend the Internal Revenue Code of 1986 to provide an alternate sulfur dioxide removal measurement for advanced coal-based generation technology units under the qualifying advanced coal project credit.

S. 3884

At the request of Mr. LUGAR, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 3884, a bill to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

S. 3912

At the request of Mr. ENSIGN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 3912, a bill to amend title XVIII of the Social Security Act to extend the exceptions process with respect to caps on payments for therapy services under the Medicare program.

S. 3936

At the request of Mr. FRIST, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Delaware (Mr. BIDEN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 3936, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 3944

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3944, a bill to provide for a 1-year extension of programs under title XXVI of the Public Health Service Act.

S. 3961

At the request of Mr. STEVENS, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 3961, a bill to provide for

enhanced safety in pipeline transportation, and for other purposes.

S. 3962

At the request of Mr. DOMENICI, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from North Carolina (Mr. BURR) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 3962, a bill to enhance the management and disposal of spent nuclear fuel and high-level radioactive waste, to assure protection of public health and safety, to ensure the territorial integrity and security of the repository at Yucca Mountain, and for other purposes.

S. 3971

At the request of Mr. BROWNBACK, his name was added as a cosponsor of S. 3971, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

At the request of Mr. SANTORUM, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 3971, supra.

S. 3984

At the request of Mr. HARKIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 3984, a bill to improve programs for the identification and treatment of post-deployment mental health conditions, including post-traumatic stress disorder, in veterans and members of the Armed Forces, and for other purposes.

S. 3991

At the request of Mr. CONRAD, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Washington (Mrs. MURRAY), the Senator from Vermont (Mr. JEFFORDS), the Senator from Wyoming (Mr. ENZI), the Senator from Wyoming (Mr. THOMAS), the Senator from Vermont (Mr. LEAHY) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 3991, a bill to provide emergency agricultural disaster assistance, and for other purposes.

At the request of Mr. ROBERTS, his name was added as a cosponsor of S. 3991, supra.

S. CON. RES. 119

At the request of Mrs. LINCOLN, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Con. Res. 119, a concurrent resolution expressing the sense of Congress that public policy should continue to protect and strengthen the ability of farmers and ranchers to join together in cooperative self-help efforts.

S. RES. 549

At the request of Mr. SANTORUM, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. Res. 549, a resolution expressing the sense of the Senate regarding modern-day slavery.

AMENDMENT NO. 5022

At the request of Mr. CRAIG, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 5022 intended to be proposed to H.R. 6061, a bill to establish operational control over the international land and maritime borders of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 3994. A bill to extend the Iran and Libya Sanctions Act of 1996; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3994

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

Section 13(b) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by striking ''on September 29, 2006'' and inserting ''on November 17, 2006''

By Mr. DEMINT (for himself and Mr. OBAMA):

S. 3995. A bill to provide education opportunity grants to low-income secondary school students; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEMINT. Mr. President, I rise to speak about legislation that I am introducing today along with the Senator from Illinois, Mr. OBAMA. At this time of year, with much bitter partisanship, I really am pleased to work with Senator OBAMA for something that we think is important to the country.

The Education Opportunity Act is a bill that would significantly expand college-level opportunities for low-income high school students and teach these students that success in school can mean success in life.

In the fast-paced, technologically advanced global economy of the 21st century, old distinctions between high school and college are becoming obsolete. For our students to succeed in tomorrow's workplace, we must be innovative and allow more choices of study today.

As we look toward reauthorizing No Child Left Behind, I believe it is important to examine what has worked and where students are still falling between the cracks. While we have expanded advanced placement classes, what we call AP classes, through the President's Advanced Placement Incentives Program, I believe we are missing another vital avenue to increase college-level opportunities for low-income students. That is why I am proud to work together with Senator OBAMA to establish education opportunity grants for high school students.

Our bill is similar to the Federal Pell grant program, which funds need-based aid that does not have to be repaid by the students. These grants could be made available for classes at community colleges or universities that would admit a high school student to enroll in classes. These grant scholarships will help keep our high school students in school by raising their expectations and showing them that they can do college-level work. They could also accumulate college-level credits while still in high school.

Our national dropout rate is at record highs, and it is on the rise. In my own home State of South Carolina, high school students are dropping out at an alarming rate, with half of all students failing to complete high school in 4 years. It is no secret that most of these at-risk students are from low-income families.

Currently, there are only two ways high school students can gain college credit. They either take the AP classes at high school or participate in dual enrollment programs. Some high schools, particularly those with a high percentage of low-income students, are not able to offer advanced placement classes, and students are required to forgo college classes that they might want to take because their families can't afford to foot the bill. The result is that students with great promise who happen to come from disadvantaged families lose interest in a school that does not offer classes tailored to their talents and interests.

Senator OBAMA and I believe if we expose students to the hundreds of classes available at their local colleges, some of which are listed on the chart behind me, many students who are not excited about high school world history classes will, instead, discover that they are interested in computer science or marketing and can learn a skill that they can see will directly apply to a future job.

Make no mistake, traditional classes in biology, English, and history are important. But if a student drops out because they don't have the flexibility to also pursue more nontraditional avenues, those classes do not do them any good.

Education opportunity grants are a cost-effective way to educate students by utilizing the preexisting infrastructure already available at local colleges. I believe this will show many students that a college degree is attainable and that they will be better prepared to start college or enter the workforce with marketable skills as a high school graduate.

As I mentioned before, I believe it is critical that we do a better job accommodating the needs of all our students and continue to create opportunities for each young person to learn in ways that make sense to them and have direct application to their goals in life.

This legislation is one more valuable option for our educational system to empower students and parents with choices and the ability to follow an educational path that meets their individual needs.

It is time we stopped forcing our kids to fit our educational system and, instead, force our educational system to fit our kids. That is the only way that success in school will mean success in life.

I thank Senator OBAMA and his great staff for working with my office on this important legislation, and I look forward to working with the Senator from Wyoming, Mr. ENZI, and the Senator from Massachusetts, Ranking Member KENNEDY, to make this legislation a reality.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. OBAMA. Mr. President, I rise today to join my colleague from South Carolina, Senator JIM DEMINT, in introducing the Education Opportunity Act.

We often hear that many students who graduate from high school are not ready for the academic rigors of college. This is especially problematic for students from low-income families. For these students to succeed in the transition to college, they must have opportunity, and a continuity of classroom experiences that prepare them for success. Academic rigor in a high school curriculum is essential in establishing the momentum necessary for a student to progress toward a bachelor's degree.

The unfortunate fact is that not all students have access to a challenging high school curriculum. Low-income students are often disadvantaged by a lack of rigorous courses in their high school, especially in subjects such as the advanced mathematics courses that are so important for college success. Universities and community colleges have increasingly provided such courses to high school students. But the cost of such classes can be a barrier to low-income students, who are the very students most likely to be enrolled in high schools that provide the most limited access to challenging college preparatory curricula.

This legislation will provide a program for grant support to allow thousands of students with limited exposure to college-level programs in their high schools to earn college credit at their local university or community college. I urge my colleagues to join us in extending opportunities for college success to deserving low-income high school students.

By Mr. FEINGOLD:

S. 3998. A bill to amend the Servicemembers Civil Relief Act to provide relief for servicemembers with respect to contracts for cellular phone service, and for other purposes; to the Committee on Veterans' Affairs.

Mr. FEINGOLD. Mr. President, today I introduce a bill that seeks to make life a little easier for our servicemembers and their families when they are called up to duty or transferred. We all recognize the heroic service the men and women in our armed services provide the Nation each day. So when I heard stories about servicemembers and their families in Wisconsin having trouble canceling their cell phone contracts after being called up, I looked for a way to help. With the prospect of a combat assignment, the last thing our men and women in uniform should have to worry about are early termination fees or being forced to pay for a service they cannot use. I tried to have this provision adopted as an amendment to the Defense authorization bill in June and, while I was unsuccessful, I will continue to push for the adoption of this commonsense measure.

These problems with canceling cellular phone service have not been just isolated incidents. In fact, the issue has been raised by the Wisconsin National Guard. I ask unanimous consent that the full testimony of First Lieutenant Melissa Inlow of the Wisconsin Army National Guard made at a hearing on a Wisconsin State assembly bill in April be printed in the RECORD.

I just want to highlight one part of that testimony that makes the point that this is a real issue facing our servicemembers: ''It's becoming increasingly difficult to get cell phone service providers to suspend the contract. Even with suspension the soldiers are still paying up to $25 a month for a service they cannot reap the benefits of. These fees can accumulate to more than the termination fee which on average is $200.'' First Lieutenant Inlow went on to specifically recommend that the Servicemembers' Civil Relief Act be amended to include a section on cellular phones.

First Lieutenant Inlow and the Wisconsin National Guard are not alone in this opinion either. The National Guard Association of the United States, the Enlisted Association of the National Guard of the United States, and the Military Officers Association of America have all expressed support for my amendment—which is virtually identical to the legislation I introduce today.

It is common now for cellular phone contracts to require a contract term of up to two years. Along with these long contracts, there are often early termination fees of several hundred dollars. When a National Guard member is called up to active duty or a soldier is transferred overseas or to a base that isn't covered by their current provider, they often face the prospect of either paying these significant fees or paying monthly fees for the remainder of the contract for a service they cannot use. While many servicemembers and their families have been able to work with telecommunications companies to eventually get the early termination fee canceled, the account suspended, or the fees reduced, they have enough to deal with after being called up that they should not have this added burden as well.

My legislation proposes that we bring these cellular phone contracts in line with what we have already done for residential and automotive leases in the Servicemembers' Civil Relief Act—let the servicemembers cancel the contract. Under my proposal, if servicemembers are called up for more than 90 days, transferred overseas, or transferred to a U.S. duty station where they could not continue their service at the same rate, they could cancel their contract without a termination fee.

While my legislation helps to prevent servicemembers from being financially punished for volunteering to protect this country, I have also tried to make sure that the telecommunications providers are treated fairly as well. That is why I have included a provision that would allow the providers to request the return of cell phones provided as part of the contract. If the company requests the return under this provision, it would also have to give the servicemember the option of paying a prorated amount for the cell phone should he or she wish to keep it. Moreover, if the provider and servicemember mutually agree to suspend instead of terminate the contract, the bill makes sure that the reactivation fee is waived.

While this is a modest addition to the rights of servicemembers, it is important that we remove as many unfair burdens facing this country's men and women in uniform as we can. I hope my colleagues will share this view and quickly adopt this nonpartisan proposal.

TESTIMONY FOR THE RECORD OF FIRST LIEUTENANT MELISSA INLOW AT A HEARING ON WISCONSIN ASSEMBLY BILL 1174 ON APRIL 17, 2006

Thank you, chairman and members of the committee, for the opportunity to speak. The Department of Military Affairs and the Wisconsin National Guard is in support of senate bill 1174. I am First Lieutenant Melissa Inlow, a Judge Advocate General Officer with the Wisconsin Army National Guard. By granting servicemembers the right to terminate their cell phone contracts upon mobilization, you are ensuring further protections and peace of mind for our servicemembers. In August of 2005, I was brought on to provide legal assistance to our deployed servicemembers and their families. Since that time, about 3–5 percent of my time has been dedicated to assisting servicemembers in resolving issues with their cell phone service contracts. It's becoming increasingly difficult to get cell phone service providers to suspend the contract. Even with suspension the soldiers are still paying up to $25 a month for service they cannot reap the benefits of. These fees can accumulate to more than the termination fee which on average is $200. I've found it very difficult and sometimes impossible to reach a live person and very difficult to reach a person with decision making authority. Each time I have had to call a cellular phone service provider, I have talked to

a different customer service representative, and each has given me a different resolution to the cell phone issue. The companies are lacking significantly in internal consistency when it comes to resolving cell phone contract issues. It has been my experience that the customer service representatives of cell phone companies experience high turn over rate and are not aware of the wireless provider's policy on military suspension. It is extremely frustrating for me; I can only imagine the undue stress and strain it causes our deploying servicemembers and their families that are left behind to deal with these issues. This change will likely help ease the stress deployment phaces on our servicemembers allowing them to focus on their mission. I hope that the Federal Government will follow suit and amend the Servicemember's Civil Relief Act to incorporate a section on cell phone contracts.

By Mr. LUGAR:

S. 4000. A bill to amend the Internal Revenue Code of 1986 to modify the alcohol credit and the alternative fuel credit, to amend the Clean Air Act to promote the installation of fuel pumps for E–85 fuel, to amend title 49 of the United States Code to require the manufacture of dual fueled automobiles, and for other purposes; to the Committee on Finance.

Mr. LUGAR. Mr. President, I rise to introduce the National Fuels Initiative of 2006. This act presents to this Congress a plan to bring meaningful reductions in the amount of oil we consume in the United States and reduce our dependency on oil imports. Dependence on imported oil has put the United States in a position that no great power should tolerate. Our economic health is subject to forces far beyond our control, including the decisions of hostile countries. We maintain a massive military presence overseas, partly to preserve our oil lifeline. We have lost leverage on the international stage and are daily exacerbating the problem by participating in an enormous wealth transfer to authoritarian nations that happen to possess the commodity that our economy can least do without. The hundreds of billions of dollars we spend on oil imports each year weakens our economy, enriches hostile regimes, and is used by some to support terrorism.

In the absence of revolutionary changes in energy policy, we are risking multiple disasters for our country that will constrain living standards, undermine our foreign policy goals, and leave us highly vulnerable to the machinations of rogue states. There are at least six threats posed by oil dependence. First oil is vulnerable to supply disruption as a result of natural disasters, wars, and terrorist attacks. Price shocks resulting from a major supply loss can put the U.S. economy into recession. Second, global oil reserves are becoming more limited as easy supply is depleted, global demand rapidly increases, and governments exert more control over reserves. This makes oil more expensive in the short term, and creates the prospect that supplies may not be accessible in the future. Third, some oil-rich nations are using energy as an overt weapon. Adversarial regimes from Venezuela, to Iran, to Russia are using energy supplies as leverage against their neighbors. Fourth, hundreds of billions of dollars in oil export revenues flowing to authoritarian regimes increase corruption and hurt democratic reform. Some oil-rich nations are using this money to invest in terrorism, instability, or demagogic appeals to populism. Fifth, the threat of global climate change has been made worse by inefficient and unclean use of non-renewable energy like oil. This could bring about drought, famine, disease, and mass migration. And finally, dependence on oil increases instability and undermines development in much of the developing world. Rising energy costs can undermine our foreign assistance and hurt stability, development, disease eradication, and efforts to combat the root causes of terrorism.

The new geo-political reality emerging from the global energy situation and United States dependence on oil imports demand that we dramatically decrease the amount of oil we consume. In March 2006, I delivered an address at the Brookings Institution in which I described ''a shifting balance of realism'' from those who believe in the immutability of oil's domination of our economy and a laissez faire approach to energy policy to those who recognize that our Nation has no choice but to seek a major reorientation in the way we get our energy. Marginally reducing our reliance on imported oil over the course of the next few decades via the slow progress of market forces will be welcome, but by the time a sustained energy crisis fully motivates market forces, we are likely to be well past the point where we can save ourselves from extensive suffering. We must respond to our energy vulnerability as a crisis. This is the very essence of a problem requiring Congressional action.

The heart of America's geostrategic problem is reliance on imported oil in a market that is dominated by volatile and hostile governments. We can start to break petroleum's grip right now. The key is to replace oil used in transportation with renewable fuels and to improve the fuel efficiency of our cars and trucks.

I outlined the 5 central components of this energy plan at the Richard G. Lugar—Purdue University Summit on Energy Security on August 29th, 2006. First, this bill sets a goal for the United States to expand production of renewable fuels to at least 100 billion gallons a year by 2025. Some of this added production will come from current corn-based ethanol and biodiesel, but a great majority will be from emerging cellulosic technology allowing ethanol from diverse sources of renewable biomass. Second, virtually all new cars sold in America should be flex-fuel capable. These vehicles give Americans the choice to use E–85, a blend of 85 percent ethanol and 15 percent gasoline, or regular gasoline. This bill would require that virtually all vehicles would be manufactured as flexible fuel vehicles within ten years. This provision was also part of the Biomass Security Act of 2006 which I joined Senator HARKIN in introducing earlier this year. Third, roughly 25 percent of our nation's fueling stations should offer E–85 within the next ten years. This provision was also part of the Biomass Security Act of 2006. This will give consumers choice and help spur investment in renewable fuel production. Fourth, the bill would enact increased mileage standards that set a target of steadily improving fuel economy every year, as well as encourage research into new advanced technology vehicles such as hybrids and coal-based transportation fuels. I joined Senator OBAMA in introducing this provision earlier this year as the Fuel Economy Reform Act of 2006. Finally, the bill would establish a revolutionary variable alternative fuel tax credit to support growth of alternative fuel production. While this novel portion of the bill should be further debated and improved, its aim is to increase investment in cellulosic ethanol, coals to liquid, and other non-petroleum based fuels by reducing risks posed by oil price manipulation of foreign regimes.

We must move now to address our energy vulnerability because sufficient investment cannot happen overnight, and it will take years to build supporting infrastructure and to change behavior. Americans need to know exactly what the plan is and how we will achieve it. We not only must understand how to bring alternatives to the market, we must establish what degree of change would improve our national security situation, then tailor national policy to achieve that goal. The energy plan presented in this bill is a package of proposals that would dramatically improve America's security posture. The plan would achieve the replacement of 6.5 million barrels of oil per day by volume—the rough equivalent of one third of the oil used in America and one half of our oil imports. It would provide more jobs for Americans instead of sending a deluge of money to hostile countries, support our farmers instead of foreign terrorists, and promote green fuels over fossil fuels.

I ask unanimous consent that the full text of this bill be printed in the RECORD.

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

S. 4000

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 ''National Fuels Initiative''.

(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. Declaration of United States policy on the development and use of renewable alternative fuels.
Sec. 4. Modification to alcohol credit and alternative fuel credit.

Sec. 5. Installation of E–85 fuel pumps by major oil companies at owned stations and branded stations.
Sec. 6. Requirement to manufacture dual fueled automobiles.
Sec. 7. Definition of automobile.
Sec. 8. Average fuel economy standards.
Sec. 9. Credit trading and compliance.
Sec. 10. Consumer tax credit.
Sec. 11. Advanced technology motor vehicles manufacturing credit.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The national security and economic prosperity of the United States is threatened by our oil dependence, and the reliance of the United States on oil imports impinges on our foreign policy. Adversarial regimes rich in oil and natural gas are using their energy supplies as leverage against import-dependent countries and are using increased revenues from oil and gas exports to gain international influence, fund anti-American appeals, entrench authoritarianism, and support terrorism.

(2) Global competition for oil reserves is increasing as supply is depleted, demand increases, and foreign governments attempt to exert more control over reserves. Supplies of oil are vulnerable to disruption resulting from war, political manipulation, natural disasters, and terrorist attacks. A major loss in oil supply could result in a price shock extremely damaging to the economy of the United States and our way of life, and competition over scarce resources could create conflict.

(3) Inefficient and unclean use of oil damages the environment and worsens the threat of global climate change.

SEC. 3. DECLARATION OF UNITED STATES POLICY ON THE DEVELOPMENT AND USE OF RENEWABLE ALTERNATIVE FUELS.

Congress declares that:

(1) It is the policy of the United States to reduce dependence on imported oil through increased efficiency and diversification of fuel sources through dramatically expanded use of clean alternative fuels. Such a reduction will increase the foreign policy flexibility of the United States, make the United States less vulnerable to oil supply disruption, and promote economic growth. The United States will continue to promote research and development of a range of alternatives fuels, and it will implement policies to accelerate the deployment and commercialization of existing efficiency and alternative fuels technologies.

(2) It is the policy goal of the United States to produce and utilize the equivalent of at least 100,000,000,000 gallons of renewable fuel per year by 2025. This amount of renewable fuel, along with innovation in fuel efficiency, will substantially reduce the need for oil imports in the United States.

(3) It is the policy of the United States to promote the development of a global biofuels market through partnerships with other nations and to reduce trade barriers for renewable fuels.

SEC. 4. MODIFICATION TO ALCOHOL CREDIT AND ALTERNATIVE FUEL CREDIT.

(a) INCOME TAX CREDIT FOR ALCOHOL.—

(1) RATE BASED ON PRICE OF OIL.—Section 40 of the Internal Revenue Code of 1986 (relating to alcohol used as fuel) is amended by striking ''60 cents'' each place it appears and inserting ''the applicable amount''.

(2) APPLICABLE AMOUNT.—Subsection (h) of section 40 of such Code is amended to read as follows:

''(h) APPLICABLE AMOUNT.—

''(1) IN GENERAL.—For purposes of this section, the term 'applicable amount' means, with respect to any quarter—

''(A) $.05 for each $1 (or any fraction thereof) by which $45 exceeds—

''(i) in the case of the alcohol mixture credit, the average price of a barrel of oil for the quarter during which the qualified mixture in which the alcohol was used is sold or used, and

''(ii) in the case of the alcohol credit, the average price of a barrel of oil for the quarter during which the alcohol was sold or used, and

''(B) $0 for any quarter in which the price of a barrel of oil is greater than $45.

''(2) DETERMINATION OF AVERAGE PRICE.—The average price of a barrel of oil shall be determined under regulations prescribed by the Secretary.

''(3) BARREL.—For purposes of this subsection, the term 'barrel' means 42 United States gallons.''.

(3) ELIMINATION OF SMALL ETHANOL PRODUCER CREDIT.—

(A) Section 40(a) of such Code is amended—

(i) by striking '', plus'' at the end of paragraph (2) and inserting a period, and

(ii) by striking paragraph (3).

(B) Section 40(b) of such Code is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(C)(i) Section 40(d)(3) of such Code is amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(ii) Section 40(d)(3)(C) of such Code, as redesignated by clause (i), is amended by striking ''subparagraph (A), (B), or (C)'' and inserting ''subparagraph (A) or (C)''.

(D) Section 40 of such Code is amended by striking subsection (g) and by redesignating subsection (h), as amended by paragraph (2), as subsection (g).

(4) EXTENSION OF CREDIT.—Paragraph (1) of section 40(e) of such Code is amended—

(A) in subparagraph (A), by striking ''2010'' and inserting ''2020'', and

(B) in subparagraph (B), by striking ''2011'' and inserting ''2021''.

(5) CONFORMING AMENDMENT.—Section 40(b) of such Code, as amended by subsection (a), is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(b) MODIFICATIONS TO EXCISE TAX CREDIT AND PAYMENTS FOR ALCOHOL.—

(1) IN GENERAL.—Paragraph (2) of section 6426(b) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount shall be the amount determined under section 40(g).''.

(2) EXTENSION.—

(A) ALCOHOL FUEL MIXTURE CREDIT.—Paragraph (5) of section 6426(b) of such Code is amended by striking ''2010'' and inserting ''2020''.

(B) PAYMENTS.—Subparagraph (A) of section 6427(e)(5) of such Code is amended by striking ''2010'' and inserting ''2020''.

(c) MODIFICATIONS TO EXCISE TAX AND PAYMENTS FOR ALTERNATIVE FUEL.—

(1) ALTERNATIVE FUEL CREDIT.—

(A) RATE.—

(i) IN GENERAL.—Paragraph (1) of section 6426(d) of the Internal Revenue Code of 1986 is amended by striking ''50 cents'' and inserting ''the applicable amount''.

(ii) APPLICABLE AMOUNT.—Subsection (d) of section 6426 of such Code is amended by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively, and by inserting after paragraph (1) the following new paragraph:

''(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount shall be the amount determined under section 40(g).''.

(B) EXTENSION.—Paragraph (5) of section 6426(d) of such Code, as redesignated by paragraph (1), is amended by striking ''2009 (September 30, 2014, in the case of any sale or use involving liquified hydrogen)'' and inserting ''2020''.

(2) ALTERNATIVE FUEL MIXTURE CREDIT.—

(A) RATE.—

(i) IN GENERAL.—Paragraph (1) of section 6426(e) of the Internal Revenue Code of 1986 is amended by striking ''50 cents'' and inserting ''the applicable amount''.

(ii) APPLICABLE AMOUNT.—Subsection (e) of section 6426 of such Code is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

''(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount shall be the amount determined under section 40(g).''.

(B) EXTENSION.—Paragraph (4) of section 6426(e) of such Code, as redesignated by paragraph (1), is amended by striking ''2009 (September 30, 2014, in the case of any sal or use involving liquified hydrogen)'' and inserting ''2020''.

(3) PAYMENTS.—Paragraph (5) of section 6427(e) is amended by inserting ''and'' at the end of subparagraph (B), by striking subparagraphs (C) and (D), and by inserting after subparagraph (B) the following:

''(C) any alternative fuel or alternative fuel mixture (as defined in subsection (d)(3) or (e)(3) of section 6426) sold or used after September 30, 2020.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel used or sold in quarters beginning after the date of the enactment of this Act.

SEC. 5. INSTALLATION OF E–85 FUEL PUMPS BY MAJOR OIL COMPANIES AT OWNED STATIONS AND BRANDED STATIONS.

Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended by adding at the end the following:

''(11) INSTALLATION OF E–85 FUEL PUMPS BY MAJOR OIL COMPANIES AT OWNED STATIONS AND BRANDED STATIONS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) E–85 FUEL.—The term 'E–85 fuel' means a blend of gasoline approximately 85 percent of the content of which is derived from ethanol produced in the United States.

''(ii) MAJOR OIL COMPANY.—The term 'major oil company' means any person that, individually or together with any other person with respect to which the person has an affiliate relationship or significant ownership interest, has not less than 4,500 retail station outlets according to the latest publication of the Petroleum News Annual Factbook.

''(iii) SECRETARY.—The term 'Secretary' means the Secretary of Energy, acting in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Agriculture.

''(B) REGULATIONS.—The Secretary shall promulgate regulations to ensure that each major oil company that sells or introduces gasoline into commerce in the United States through wholly-owned stations or branded stations installs or otherwise makes available 1 or more pumps that dispense E–85 fuel (including any other equipment necessary, such as including tanks, to ensure that the pumps function properly) at not less than the applicable percentage of the wholly-owned stations and the branded stations of the major oil company specified in subparagraph (C).

''(C) APPLICABLE PERCENTAGE.—For the purpose of subparagraph (B), the applicable percentage of the wholly-owned stations and the branded stations shall be determined in accordance with the following table:

Calendar year:	"Applicable percentage of wholly-owned stations and branded stations (percent):
2008	5
2009	10
2010	15
2011	20
2012	25
2013	30
2014	35
2015	40
2016	45
2017 and each calendar year thereafter.	50.

''(D) GEOGRAPHIC DISTRIBUTION.—

''(i) IN GENERAL.—Subject to clause (ii), in promulgating regulations under subparagraph (B), the Secretary shall ensure that each major oil company described in subparagraph (B) installs or otherwise makes available 1 or more pumps that dispense E–85 fuel at not less than a minimum percentage (specified in the regulations) of the wholly-owned stations and the branded stations of the major oil company in each State.

''(ii) REQUIREMENT.—In specifying the minimum percentage under clause (i), the Secretary shall ensure that each major oil company installs or otherwise makes available 1 or more pumps described in that clause in each State in which the major oil company operates.

''(E) FINANCIAL RESPONSIBILITY.—In promulgating regulations under subparagraph (B), the Secretary shall ensure that each major oil company described in that subparagraph assumes full financial responsibility for the costs of installing or otherwise making available the pumps described in that subparagraph and any other equipment necessary (including tanks) to ensure that the pumps function properly.

''(F) PRODUCTION CREDITS FOR EXCEEDING E–85 FUEL PUMPS INSTALLATION REQUIREMENT.—

''(i) EARNING AND PERIOD FOR APPLYING CREDITS.—If the percentage of the wholly-owned stations and the branded stations of a major oil company at which the major oil company installs E–85 fuel pumps in a particular calendar year exceeds the percentage required under subparagraph (C), the major oil company earns credits under this paragraph, which may be applied to any of the 3 consecutive calendar years immediately after the calendar year for which the credits are earned.

''(ii) TRADING CREDITS.—Subject to clause (iii), a major oil company that has earned credits under clause (i) may sell credits to another major oil company to enable the purchaser to meet the requirement under subparagraph (C).

''(iii) EXCEPTION.—A major oil company may not use credits purchased under clause (ii) to fulfill the geographic distribution requirement in subparagraph (D).''.

SEC. 6. REQUIREMENT TO MANUFACTURE DUAL FUELED AUTOMOBILES.

(a) REQUIREMENT.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by inserting after section 32902 the following:

"§ 32902A. Requirement to manufacture dual fueled automobiles

''(a) REQUIREMENT.—Each manufacturer of new automobiles that are capable of operating on gasoline or diesel fuel shall ensure that the percentage of such automobiles, manufactured in any model year after model year 2007 and distributed in commerce for sale in the United States, which are dual fueled automobiles is equal to not less than the applicable percentage set forth in the following table:

"For the model year:	The percentage of dual fueled automobiles manufactured shall be not less than:
2008	10 percent
2009	20 percent
2010	30 percent
2011	40 percent
2012	50 percent
2013	60 percent
2014	70 percent
2015	80 percent
2016	90 percent
2017 and beyond	100 percent

''(b) PRODUCTION CREDITS FOR EXCEEDING FLEXIBLE FUEL AUTOMOBILE PRODUCTION REQUIREMENT.—

''(1) EARNING AND PERIOD FOR APPLYING CREDITS.—If the number of dual fueled automobiles manufactured by a manufacturer in a particular model year exceeds the number required under subsection (a), the manufacturer earns credits under this section, which may be applied to any of the 3 consecutive model years immediately after the model year for which such credits are earned.

''(2) TRADING CREDITS.—A manufacturer that has earned credits under paragraph (1) may sell credits to another manufacturer to enable the purchaser to meet the requirement under subsection (a).''.

(2) TECHNICAL AMENDMENT.—The table of sections for chapter 329 of title 49, United States Code, is amended by inserting after the item relating to section 32902 the following:

''32902A. Requirement to manufacture dual fueled automobiles.''.

(b) ACTIVITIES TO PROMOTE THE USE OF CERTAIN ALTERNATIVE FUELS.—The Secretary of Transportation shall carry out activities to promote the use of fuel mixtures containing gasoline or diesel fuel and 1 or more alternative fuels, including a mixture containing at least 85 percent of methanol, denatured ethanol, and other alcohols by volume with gasoline or other fuels, to power automobiles in the United States.

SEC. 7. DEFINITION OF AUTOMOBILE.

(a) IN GENERAL.—Section 32901(a)(3) of title 49, United States Code, is amended by striking ''rated at—'' and all that follows through the period at the end and inserting ''rated at not more than 10,000 pounds gross vehicle weight.''.

(b) FUEL ECONOMY INFORMATION.—Section 32908(a) of title 49, United States Code, is amended, by striking ''section—'' and all that follows through ''(2)'' and inserting ''section, the term''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to model year 2009 and each subsequent model year.

SEC. 8. AVERAGE FUEL ECONOMY STANDARDS.

(a) STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in the header, by inserting ''MANUFACTURED BEFORE MODEL YEAR 2012'' after ''NON-PASSENGER AUTOMOBILES''; and

(B) by adding at the end the following: ''This subsection shall not apply to automobiles manufactured after model year 2011.'';

(2) in subsection (b)—

(A) in the header, by inserting ''MANUFACTURED BEFORE MODEL YEAR 2012'' after ''PASSENGER AUTOMOBILES'';

(B) by inserting ''and before model year 2009'' after ''1984''; and

(C) by adding at the end the following: ''Such standard shall be increased by 4 percent per year for model years 2009 through 2011 (rounded to the nearest 1/10 mile per gallon)'';

(3) by amending subsection (c) to read as follows:

''(c) AUTOMOBILES MANUFACTURED AFTER MODEL YEAR 2011.—(1) Not later than 18 months before the beginning of each model year after model year 2011, the Secretary of Transportation shall prescribe, by regulation—

''(A) an average fuel economy standard for automobiles manufactured by a manufacturer in that model year; or

''(B) based on 1 or more vehicle attributes that relate to fuel economy—

''(i) separate standards for different classes of automobiles; or

''(ii) standards expressed in the form of a mathematical function.

''(2)(A) Except as provided under paragraphs (3) and (4) and subsection (d), standards under paragraph (1) shall attain a projected aggregate level of average fuel economy of 27.5 miles per gallon for all automobiles manufactured by all manufacturers for model year 2012.

''(B) The projected aggregate level of average fuel economy for model year 2013 and each succeeding model year shall be increased by 4 percent from the level for the prior model year (rounded to the nearest 1/10 mile per gallon).

''(C) Notwithstanding subparagraphs (A) and (B), the fleetwide average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year for that manufacturer's domestic fleet and for its foreign fleet as calculated under section 32904 as in effect before the date of enactment of the National Fuels Initiative shall not be less than 92 percent of the average fuel economy projected by the Secretary for the combined domestic and foreign fleets manufactured by all manufacturers in that model year.

''(3) If the actual aggregate level of average fuel economy achieved by manufacturers for each of 3 consecutive model years is at least 5 percent less than the projected aggregate level of average fuel economy for such model year, the Secretary shall make appropriate adjustments to the standards prescribed under this subsection.

''(4)(A) Notwithstanding paragraphs (1) through (3) and subsection (b), the Secretary of Transportation may prescribe a lower average fuel economy standard for 1 or more model years if the Secretary of Transportation, in consultation with the Secretary of Energy, determines that the minimum standards prescribed under paragraph (2) or (3) or subsection (b) for each model year—

''(i) are technologically unachievable;

''(ii) cannot be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States; or

''(iii) is shown, by clear and convincing evidence, not to be cost effective.

''(B) If a lower standard is prescribed for a model year under subparagraph (A), such standard shall be the maximum standard that—

''(i) is technologically achievable;

''(ii) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States; and

''(iii) is cost effective.

''(5) In determining cost effectiveness under paragraph (4)(A)(iii), the Secretary of Transportation shall take into account the total value to the Nation of reduced petroleum use, including the value of reducing external costs of petroleum use, using a value for such costs equal to 50 percent of the value of a gallon of gasoline saved or the

amount determined in an analysis of the external costs of petroleum use that considers—

''(A) value to consumers;

''(B) economic security;

''(C) national security;

''(D) foreign policy;

''(E) the impact of oil use—

''(i) on sustained cartel rents paid to foreign suppliers;

''(ii) on long-run potential gross domestic product due to higher normal-market oil price levels, including inflationary impacts;

''(iii) on import costs, wealth transfers, and potential gross domestic product due to increased trade imbalances;

''(iv) on import costs and wealth transfers during oil shocks;

''(v) on macroeconomic dislocation and adjustment costs during oil shocks;

''(vi) on the cost of existing energy security policies, including the management of the Strategic Petroleum Reserve;

''(vii) on the timing and severity of the oil peaking problem;

''(viii) on the risk, probability, size, and duration of oil supply disruptions;

''(ix) on OPEC strategic behavior and long-run oil pricing;

''(x) on the short term elasticity of energy demand and the magnitude of price increases resulting from a supply shock;

''(xi) on oil imports, military costs, and related security costs, including intelligence, homeland security, sea lane security and infrastructure, and other military activities;

''(xii) on oil imports, diplomatic and foreign policy flexibility, and connections to geopolitical strife, terrorism, and international development activities;

''(xiii) all relevant environmental hazards under the jurisdiction of the Environmental Protection Agency; and

''(xiv) on well-to-wheels urban and local air emissions of 'pollutants' and their uninternalized costs;

''(F) the impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases;

''(G) the impact of United States payments for oil imports on political, economic, and military developments in unstable or unfriendly oil exporting countries;

''(H) the uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage; and

''(I) additional relevant factors, as determined by the Secretary.

''(6) When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation may not use a value less than the greatest of—

''(A) the average national cost of a gallon of gasoline sold in the United States during the 12-month period ending on the date on which the new fuel economy standard is proposed;

''(B) the most recent weekly estimate by the Energy Information Administration of the Department of Energy of the average national cost of a gallon of gasoline (all grades) sold in the United States; or

''(C) the gasoline prices projected by the Energy Information Administration for the 20-year period beginning in the year following the year in which the standards are established.

''(7) In prescribing standards under this subsection, the Secretary may prescribe standards for 1 or more model years.

''(8)(A) Not later than December 31, 2016, the Secretary of Transportation, the Secretary of Energy, and the Administrator of the Environmental Protection Agency shall submit a joint report to Congress on the state of global automotive efficiency technology development, and on the accuracy of tests used to measure fuel economy of automobiles under section 32904(c), utilizing the study and assessment of the National Academy of Sciences referred to in subparagraph (B).

''(B) The Secretary shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study of the technological opportunities to enhance fuel economy and an analysis and assessment of the accuracy of fuel economy tests used by the Administrator of the Environmental Protection Agency to measure fuel economy for each model under section 32904(c). Such analysis and assessment shall identify any additional factors or methods that should be included in tests to measure fuel economy for each model to more accurately reflect actual fuel economy of automobiles. The Secretary and the Administrator of the Environmental Protection Agency shall furnish, at the request of the Academy, any information which the Academy determines to be necessary to conduct the study, analysis, and assessment under this subparagraph.

''(C) The report submitted under subparagraph (A) shall include—

''(i) the study of the National Academy of Sciences referred to in subparagraph (B); and

''(ii) an assessment by the Secretary of technological opportunities to enhance fuel economy and opportunities to increase overall fleet safety.

''(D) The report submitted under subparagraph (A) shall identify and examine additional opportunities to reform the regulatory structure under this chapter, including approaches that seek to merge vehicle and fuel requirements into a single system that achieves equal or greater reduction in petroleum use and environmental benefits.

''(E) The report submitted under subparagraph (A) shall—

''(i) include conclusions reached by the Administrator of the Environmental Protection Agency, as a result of detailed analysis and public comment, on the accuracy of current fuel economy tests;

''(ii) identify any additional factors that the Administrator determines should be included in tests to measure fuel economy for each model to more accurately reflect actual fuel economy of automobiles; and

''(iii) include a description of options, formulated by the Secretary and the Administrator, to incorporate such additional factors in fuel economy tests in a manner that will not effectively increase or decrease average fuel economy for any automobile manufacturer.

''(F) There is authorized to be appropriated to the Secretary such amounts as are required to carry out the study, analysis, and assessment required by subparagraph (B).''; and

(4) in subsection (g)(2), by striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)''.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended—

(A) in section 32903—

(i) by striking ''passenger'' each place it appears;

(ii) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (c) or (d) of section 32902'';

(iii) by striking subsection (e); and

(iv) by redesignating subsection (f) as subsection (e); and

(B) in section 32904(a)—

(i) by striking ''passenger'' each place it appears; and

(ii) in paragraph (1), by striking ''subject to'' and all that follows through ''section 32902(b)–(d) of this title'' and inserting ''subsection (c) or (d) of section 32902''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to automobiles manufactured after model year 2011.

SEC. 9. CREDIT TRADING AND COMPLIANCE.

(a) CREDIT TRADING.—Section 32903(a) of title 49, United States Code, is amended—

(1) by inserting ''Credits earned by a manufacturer under this section may be sold to any other manufacturer and used as if earned by that manufacturer; except that credits earned by a manufacturer described in section 32904(b)(1)(A)(i) may not be sold to or purchased by a manufacturer described in 32904(b)(1)(A)(ii),'' after ''earns credits.''; and

(2) by striking ''3 consecutive model years immediately'' each place it appears and inserting ''model years''.

(b) TREATMENT OF IMPORTS.—

(1) CONFORMING AMENDMENT.—Section 32904(b) is amended by striking ''passenger'' each place it appears.

(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply to automobiles manufactured after model year 2011.

(c) MULTI-YEAR COMPLIANCE PERIOD.—Section 32904(c) of such title is amended—

(1) by inserting ''(1)'' before ''The Administrator''; and

(2) by adding at the end the following:

''(2) The Secretary, by rule, may allow a manufacturer to elect a multi-year compliance period of not more than 4 consecutive model years in lieu of the single model year compliance period otherwise applicable under this chapter.''.

SEC. 10. CONSUMER TAX CREDIT.

(a) ELIMINATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN BURN TECHNOLOGY VEHICLES ELIGIBLE FOR ALTERNATIVE MOTOR VEHICLE CREDIT.—

(1) IN GENERAL.—Section 30B of the Internal Revenue Code of 1986 is amended—

(A) by striking subsection (f); and

(B) by redesignating subsections (g) through (j) as subsections (f) through (i), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Paragraphs (4) and (6) of section 30B(h) of such Code are each amended by striking ''(determined without regard to subsection (g))'' and inserting ''determined without regard to subsection (f))''.

(B) Section 38(b)(25) of such Code is amended by striking ''section 30B(g)(1)'' and inserting ''section 30B(f)(1)''.

(C) Section 55(c)(2) of such Code is amended by striking ''section 30B(g)(2)'' and inserting ''section 30B(f)(2)''.

(D) Section 1016(a)(36) of such Code is amended by striking ''section 30B(h)(4)'' and inserting ''section 30B(g)(4)''.

(E) Section 6501(m) of such Code is amended by striking ''section 30B(h)(9)'' and inserting ''section 30B(g)(9)''.

(b) EXTENSION OF ALTERNATIVE VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES.—Paragraph (3) of section 30B(i) of such Code (as redesignated by subsection (a)) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

SEC. 11. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

''SEC. 30D. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

''(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by

this chapter for the taxable year an amount equal to 35 percent of the qualified investment of an eligible taxpayer for such taxable year.

''(b) QUALIFIED INVESTMENT.—For purposes of this section—

''(1) IN GENERAL.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

''(A) to re-equip, expand, or establish any manufacturing facility in the United States of the eligible taxpayer to produce advanced technology motor vehicles or to produce eligible components,

''(B) for engineering integration performed in the United States of such vehicles and components as described in subsection (d),

''(C) for research and development performed in the United States related to advanced technology motor vehicles and eligible components, and

''(D) for employee retraining with respect to the manufacturing of such vehicles or components (determined without regard to wages or salaries of such retrained employees).

''(2) ATTRIBUTION RULES.—In the event a facility of the eligible taxpayer produces both advanced technology motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified investment attributable to production of advanced technology motor vehicles and eligible components shall be taken into account.

''(c) DEFINITIONS.—In this section:

''(1) ADVANCED TECHNOLOGY MOTOR VEHICLE.—The term 'advanced technology motor vehicle' means—

''(A) any qualified electric vehicle (as defined in section 30(c)(1)),

''(B) any new qualified fuel cell motor vehicle (as defined in section 30B(b)(3)),

''(C) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3)),

''(D) any new qualified hybrid motor vehicle (as defined in section 30B(d)(2)(A) and determined without regard to any gross vehicle weight rating),

''(E) any new qualified alternative fuel motor vehicle (as defined in section 30B(e)(4), including any mixed-fuel vehicle (as defined in section 30B(e)(5)(B)), and

''(F) any other motor vehicle using electric drive transportation technology (as defined in paragraph (3)).

''(2) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term 'electric drive transportation technology' means technology used by vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, such as battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, and plug-in hybrid fuel cell vehicles.

''(3) ELIGIBLE COMPONENTS.—The term 'eligible component' means any component inherent to any advanced technology motor vehicle, including—

''(A) with respect to any gasoline or diesel-electric new qualified hybrid motor vehicle—

''(i) electric motor or generator;

''(ii) power split device;

''(iii) power control unit;

''(iv) power controls;

''(v) integrated starter generator; or

''(vi) battery;

''(B) with respect to any hydraulic new qualified hybrid motor vehicle—

''(i) accumulator or other energy storage device;

''(ii) hydraulic pump;

''(iii) hydraulic pump-motor assembly;

''(iv) power control unit; and

''(v) power controls;

''(C) with respect to any new advanced lean burn technology motor vehicle—

''(i) diesel engine;

''(ii) turbo charger;

''(iii) fuel injection system; or

''(iv) after-treatment system, such as a particle filter or NOx absorber; and

''(D) with respect to any advanced technology motor vehicle, any other component submitted for approval by the Secretary.

''(4) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means any taxpayer if more than 20 percent of the taxpayer's gross receipts for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

''(d) ENGINEERING INTEGRATION COSTS.—For purposes of subsection (b)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

''(1) establishing functional, structural, and performance requirements for component and subsystems to meet overall vehicle objectives for a specific application,

''(2) designing interfaces for components and subsystems with mating systems within a specific vehicle application,

''(3) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems for a specific vehicle application, and

''(4) validating functionality and performance of components and subsystems for a specific vehicle application.

''(e) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(1) the sum of—

''(A) the regular tax liability (as defined in section 26(b)) for such taxable year, plus

''(B) the tax imposed by section 55 for such taxable year and any prior taxable year beginning after 1986 and not taken into account under section 53 for any prior taxable year, over

''(2) the sum of the credits allowable under subpart A and sections 27, 30, and 30B for the taxable year.

''(f) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(g) NO DOUBLE BENEFIT.—

''(1) COORDINATION WITH OTHER DEDUCTIONS AND CREDITS.—Except as provided in paragraph (2), the amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

''(2) RESEARCH AND DEVELOPMENT COSTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any amount described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

''(B) COSTS TAKEN INTO ACCOUNT IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any amounts described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

''(h) BUSINESS CARRYOVERS ALLOWED.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (e) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback to each of the 15 taxable years immediately preceding the unused credit year and as a carryforward to each of the 20 taxable years immediately following the unused credit year.

''(i) SPECIAL RULES.—For purposes of this section, rules similar to the rules of section 179A(e)(4) and paragraphs (1) and (2) of section 41(f) shall apply

''(j) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

''(k) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

''(l) TERMINATION.—This section shall not apply to any qualified investment after December 31, 2010.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 30D(g).''.

(2) Section 6501(m) of such Code is amended by inserting ''30D(k),'' after ''30C(e)(5),''.

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30C the following new item:

''Sec. 30D. Advanced technology motor vehicles manufacturing credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts incurred in taxable years beginning after December 31, 1999.

By Mr. HARKIN (for himself and Mr. LUGAR):

S. 4003. A bill to require the Secretary of Energy to award funds to study the feasibility of constructing 1 or more dedicated ethanol pipelines to increase the energy, economic, and environmental security of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HARKIN. Mr. President, today I am introducing the Ethanol Infrastructure Expansion Act of 2006. This bill directs the Department of Energy, DOE, to study and evaluate the feasibility of transporting ethanol by pipeline. I am pleased that my colleague, Senator LUGAR of Indiana, is joining me as a cosponsor of this bill.

There is broad recognition that we need to reduce our almost-complete dependence on oil for energy in our transportation sector. We also understand that there is not a single, simple solution to this dependence. I believe that we need to use energy more efficiently and promote alternatives to oil-based fuels in transportation.

The most promising liquid fuel alternative to conventional gasoline today is ethanol. Use of ethanol as an additive in gasoline and in the form of E85 is expanding rapidly, and for good reasons. First of all, as a domestically-

produced fuel, ethanol contributes to our national energy security. As a gasoline additive, ethanol provides air quality benefits by reducing auto tailpipe emissions of air pollutants. Because ethanol is biodegradable, its use poses no threat to surface water or groundwater. Finally, the production of ethanol provides national and regional economic and job-growth benefits by using local resources and labor to contribute to critical national transportation energy needs,

My Congressional colleagues and I have recognized the benefits and potential of ethanol and have promoted its expanded production and use in numerous bills, including most recently in the 2005 energy bill. A key provision in that legislation is the renewable fuels standard under which motor vehicle fuel sold in the United States is required to contain increasing levels of renewable fuels. Several other provisions promote the production and use of ethanol from cellulose, which is an especially attractive approach because it enables the use of a broad variety of plentiful and low-cost feedstocks including corn stover, wheat straw, forest industry wastes and woody municipal wastes.

The benefits of ethanol are reflected in the rapid expansion of its production and use, which has increased by more than 20 percent annually for the past several years. Moreover, ethanol's longer-term potential to become a very significant energy source for transportation also is gaining attention. A number of studies have concluded that ethanol can contribute 20 to 30 percent or more of our transportation fuel in the future. Several of my Senate colleagues joined me to introduce S. 2817, the Biofuels Security Act of 2006 which calls for domestic production and use of renewable fuels to reach 60 billion gallons a year by 2030. I am especially proud of the leadership role that my State of Iowa and the neighboring states of the Midwest are going to play in this expansion.

Given this outlook, it is time for us to consider the full implications of such a transition. One issue that deserves prompt attention is that of ethanol transport. The volumes of ethanol to be shipped in the future strongly suggest that pipeline transport should be evaluated because of the potential economic and environmental advantages that alternative might offer as compared to shipment by highway, rail tanker or barge. As production volumes increase, especially in the Midwest, it is likely to be more economical to pump ethanol through pipelines than to ship it in containers across the country. Pipeline shipping also would reduce the vehicle emissions associated with rail or tanker shipment, as well as being more energy efficient.

For all of these reasons, we should begin to consider development of an ethanol pipeline network. Given the pace of ethanol's growth, it is likely that our Nation could begin to benefit from pipeline transport of ethanol as early as the 2015 to 2020 timeframe. The current state of knowledge regarding transport of ethanol by pipeline is limited. However, it is being done in Brazil, a world leader in the production and use of ethanol. Still, it is also known that the water solubility of ethanol introduces technical and operational issues bearing on shipment of ethanol in multi-product pipelines. Thus, the planning, siting, design, financing, permitting and construction of the first ethanol pipelines may well take as long as a decade, perhaps longer. For that reason, we need to begin now to develop a better understanding of this ethanol transport option.

This bill initiates that process by directing the Department of Energy to conduct ethanol pipeline feasibility studies. It calls for analyses of the technological, economic, regulatory, financial and siting issues related to transporting ethanol via pipelines. A systematic analysis of these ethanol pipeline issues will provide the substantive information necessary for assessing the costs and benefits of this transport alternative. DOE would either fund private sector studies or conduct the studies on its own. The results of these studies will provide a clearer picture of the benefits and challenges of pipeline transport of ethanol. They will provide critical information, both for the ethanol industry as it contemplates ethanol transport alternatives, and for policy-makers seeking to understand what federal policies or programs might be appropriate to promote the most cost-effective and environmentally sound ethanol transportation in the future.

We have broad agreement on the need to do all that we can to reduce our dependence on oil. We are promoting expanding production and use of renewable fuels in many ways, but we need to consider the full range of infrastructure issues that broader ethanol use entails. Because of the rapid growth of ethanol production and use, these studies of pipeline transport of ethanol should be undertaken in the very near future. I urge my Senate colleagues to join me in passing this important and timely legislation.

By Mr. DEWINE (for himself and Mr. VOINOVICH):

S. 4004. A bill to suspend temporarily in the duty on certain structures, parts, and components for use in an isotopic separation facility in southern Ohio; to the Committee on Finance.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 4004

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

SECTION 1. CERTAIN STRUCTURES, PARTS, AND COMPONENTS FOR USE IN AN ISOTOPIC SEPARATION FACILITY IN SOUTHERN OHIO.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.13.75	Certain structures, parts, and components for use in an isotopic separation facility (isotopic separation equipment) consisting of cold boxes, feed ovens, and feed purification systems, including their associated cooling systems, control systems, weighing systems, and cylinder handling systems, for the construction of an isotopic separation facility in southern Ohio known as the "American Centrifuge Plant" (provided for in subheading 8401.20.00).	Free	No change	No change	On or before 12/31/2009	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mr. DOMENICI:

S. 4007. A bill to authorize the Secretary of the Interior to conduct feasibility studies to identify opportunities to increase the surface flows of the Rio Grande, Canadian, and Pecos Rivers in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, monsoons this summer provided New Mexico with a brief reprieve from drought conditions that have persisted in some areas of New Mexico since 2000. We would be remiss to let our recent good fortune influence our long-term water planning. July and August this year were the wettest July and August in the past 112 years. Clearly, we cannot assume these events will become commonplace. For this reason, we must take steps to ensure we are prepared for future droughts and increasing competition for limited water supplies.

Despite summer rains, many reservoirs are still far below historical averages. According to recent reservoir data, Heron and El Vado Reservoirs on the Chama River are 71 percent and 56 percent of average, respectively; Conchas Reservoir on the Canadian River is 50 percent of average; and Elephant Butte Reservoir on the Rio Grande is 27 percent of average. Moreover, because storage in Elephant Butte Reservoir has not reached 400,000 acre feet, the Rio Grande Compact imposes restrictions on New Mexico's ability to store water in reservoirs on the Rio Grande and Chama Rivers. As such, recent rains have not contributed significantly to storage on those rivers.

The water crisis we were facing prior to the summer rains led many to question how we will allocate this finite resource among numerous and competing needs. As witnessed on the Klamath River and the Rio Grande in New Mexico, water shortages often result in litigation that pits municipalities, agricultural producers, industry, Indians, and the environmental community against one another. In order to avoid such crises in New Mexico, the United States Congress has appropriated enormous sums in order to ensure that existing uses are not curtailed. However, unless new sources of water are found, future conflict over water is inevitable.

Recent conditions illustrate the need for us to look for ways to supplement flows of the most severely impacted regions in order to stave off the hardships and conflict that result from lean water years. It is my sincere hope that record-breaking rains this summer will not breed complacency. The bill I introduce today would authorize the United States Bureau of Reclamation to investigate ways to increase the flows of the Rio Grande, Pecos and Canadian Rivers, the three rivers that have been most devastated by long-term drought. While little can be done to increase rainfall, it is my belief that this bill will help us begin to better understand ways to increase the flows of these rivers to help mitigate the damaging effects that drought imposes on the municipalities, agricultural producers, industries and endangered species that depend on the water these rivers provide.

I thank Representative HEATHER WILSON for introducing a companion measure in the House of Representatives.

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. 4007

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 ''New Mexico Rivers Feasibility Studies Act of 2006''.

SEC. 2. RIO GRANDE, CANADIAN, AND PECOS RIVERS FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this Act as the ''Secretary''), in coordination with the State of New Mexico, shall, in accordance with this Act and any other applicable law, conduct feasibility studies to identify opportunities to increase the surface flows of the Rio Grande, Canadian, and Pecos Rivers in the State of New Mexico.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the results of the feasibility studies conducted under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this Act $3,000,000.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 4008. A bill to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President. I would like to bring to the attention of the Senate a problem faced by communities in eastern New Mexico illustrative of a greater problem that will ultimately be encountered by all who depend on the Ogallala Aquifer for their water. This includes communities in New Mexico, Texas, Oklahoma, Kansas, Colorado, Nebraska, Wyoming and South Dakota. At one time, the Aquifer contained roughly the same amount of water as Lake Huron. After 65 years of mining, we are now faced with the reality that the water contained in the Ogallala Aquifer has been significantly depleted and continues to be drawn down at an alarming rate.

Many on the periphery of the Aquifer, including much of eastern New Mexico, parts of Kansas and Oklahoma have been forced to drill new wells in order to supplement existing wells that are producing water at a fraction of the volume of several decades ago. This problem is not limited to those communities overlying the Ogallala. Many other regions entirely reliant on groundwater face a similar problem. As is the case with the communities in eastern New Mexico, when the wells run dry, the only alternative for many is to ship water from long distances. In many instances, this is a very expensive proposition that exceeds the capacity of rural communities' ability to pay.

In order to address the want of a sustainable water supply in eastern New Mexico, I introduce today the Eastern New Mexico Rural Water System Act of 2006. The bill would authorize the United States Bureau of Reclamation to provide financial assistance to the Eastern New Mexico Rural Water Authority, at a 75 percent Federal cost-share, to construct a pipeline from Ute Reservoir to communities in eastern New Mexico. This project would provide them with a renewable source of water for years to come. Presently, it is unclear how many years the groundwater resources on which they rely will be available.

The communities which make up the Eastern New Mexico Rural Water Authority are due a great deal of credit for initiating engineering studies, project financing studies, and seeking support for the project from local, Federal and State governments. However, it would be misleading to suggest that securing appropriations for this or similar pipelines would be easy or that the funds will be available any time soon. The current budget of the United States Bureau of Reclamation simply cannot accommodate the large sums of money that this or other water supply projects would require. As Chairman of the Energy and Water Development Appropriations Subcommittee, I am acutely aware of this fact and I have made this clear to the communities that would benefit from the pipeline authorized by the bill that I introduce today. However, I remain committed to advocate for the need to dedicate substantially more of the national budget to this and other western water issues with Congress and the Administration. In the interim, it is my hope that we can begin the long and difficult process of moving this bill through the Federal legislature. The members of the Eastern New Mexico Rural Water Authority fully appreciate the difficulties that lie ahead.

The problem faced by eastern New Mexico communities will become commonplace as groundwater supplies are exhausted. Approximately half of the population of the United States depends on aquifers for their domestic water needs. In the coming years, the United States Congress will have to provide succor to similar communities who have no alternative than to seek assistance from the Federal Government. Commensurate with this need for assistance, Congress will also have to make budgetary decisions that take into account this widespread problem. We would be remiss in our duties to let these communities simply dryup.

I thank Senator BINGAMAN, my friend and colleague for the past 23 years and ranking member of the Energy and Natural Resources Committee for cosponsoring this legislation.

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

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

S. 4008

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 ''Eastern New Mexico Rural Water System Act of 2006''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AUTHORITY.—The term ''Authority'' means the Eastern New Mexico Rural Water Authority, an entity formed under State law for the purposes of planning, financing, developing, and operating the System.

(2) PLAN.—The term ''plan'' means the operation, maintenance, and replacement plan required by section 4(b).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of New Mexico.

(5) SYSTEM.—

(A) IN GENERAL.—The term ''System'' means the Eastern New Mexico Rural Water System, a water delivery project designed to deliver approximately 16,500 acre-feet of water per year from the Ute Reservoir to the cities of Clovis, Elida, Grady, Melrose, Portales, and Texico and other locations in Curry and Roosevelt Counties in the State.

(B) INCLUSIONS.—The term ''System'' includes—

(i) the intake structure at Ute Reservoir;

(ii) a water treatment, administration, and maintenance facility with—

(I) a 30,000,000 gallon per day average peak capacity; and

(II) a 15,000,000 gallon per day average capacity;

(iii) approximately 155 miles of transmission and lateral pipelines and tunnels that range in size from 4 to 60 inches in diameter;

(iv) 3 pumping stations, including—

(I) a raw water pump station at Ute Reservoir;

(II) a booster pump station at the ''Caprock'' escarpment; and

(III) a booster pump station to Elida; and

(v) any associated appurtenances.

(6) UTE RESERVOIR.—The term ''Ute Reservoir'' means the impoundment of water created in 1962 by the construction of the Ute Dam on the Canadian River, located approximately 32 miles upstream of the border between New Mexico and Texas.

SEC. 3. EASTERN NEW MEXICO RURAL WATER SYSTEM.

(a) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide financial and technical assistance to the Authority to assist in planning, designing, conducting related preconstruction activities for, and constructing the System.

(2) USE.—

(A) IN GENERAL.—Any financial assistance provided under paragraph (1) shall be obligated and expended only in accordance with a cooperative agreement entered into under section 5(a)(2).

(B) LIMITATIONS.—Financial assistance provided under paragraph (1) shall not be used—

(i) for any activity that is inconsistent with constructing the System; or

(ii) to plan or construct facilities used to supply irrigation water for agricultural purposes.

(b) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The Federal share of the total cost of any activity or construction carried out using amounts made available under this Act shall be not more than 75 percent of the total cost of the System.

(2) SYSTEM DEVELOPMENT COSTS.—For purposes of paragraph (1), the total cost of the System shall include any costs incurred by the Authority on or after October 1, 2003, for the development of the System.

(c) LIMITATION.—No amounts made available under this Act may be used for the construction of the System until—

(1) a plan is developed under section 4(b); and

(2) the Secretary and the Authority have complied with any requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to the System.

(d) TITLE TO PROJECT WORKS.—Title to the infrastructure of the System shall be held by the Authority or as may otherwise be specified under State law.

SEC. 4. OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.

(a) IN GENERAL.—The Authority shall be responsible for the annual operation, maintenance, and replacement costs associated with the System.

(b) OPERATION, MAINTENANCE, AND REPLACEMENT PLAN.—The Authority, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan that establishes the rates and fees for beneficiaries of the System in the amount necessary to ensure that the System is properly maintained and capable of delivering approximately 16,500 acre-feet of water per year.

SEC. 5. ADMINISTRATIVE PROVISIONS.

(a) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out this Act.

(2) COOPERATIVE AGREEMENT FOR PROVISION OF FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary shall enter into a cooperative agreement with the Authority to provide financial assistance or any other assistance requested by the Authority for planning, design, related preconstruction activities, and construction of the System.

(B) REQUIREMENTS.—The cooperative agreement entered into under subparagraph (A) shall, at a minimum, specify the responsibilities of the Secretary and the Authority with respect to—

(i) ensuring that the cost-share requirements established by section 3(b) are met;

(ii) completing the planning and final design of the System;

(iii) any environmental and cultural resource compliance activities required for the System; and

(iv) the construction of the System.

(b) TECHNICAL ASSISTANCE.—At the request of the Authority, the Secretary may provide to the Authority any technical assistance that is necessary to assist the Authority in planning, designing, constructing, and operating the System.

(c) BIOLOGICAL ASSESSMENT.—The Secretary shall consult with the New Mexico Interstate Stream Commission and the Authority in preparing any biological assessment under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that may be required for planning and constructing the System.

(d) EFFECT.—Nothing in this Act—

(1) affects or preempts—

(A) State water law; or

(B) an interstate compact relating to the allocation of water; or

(2) confers on any non-Federal entity the ability to exercise any Federal rights to—

(A) the water of a stream; or

(B) any groundwater resource.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

(b) NONREIMBURSABLE AMOUNTS.—Amounts made available to the Authority in accordance with the cost-sharing requirement under section 3(b) shall be nonreimbursable and nonreturnable to the United States.

(c) AVAILABILITY OF FUNDS.—At the end of each fiscal year, any unexpended funds appropriated pursuant to this Act shall be retained for use in future fiscal years consistent with this Act.

Mr. BINGAMAN. Mr. President, I am pleased to be co-sponsoring a bill which Senator DOMENICI and I are introducing today, that would authorize the Bureau of Reclamation to help communities in eastern New Mexico develop the Eastern New Mexico Rural Water System (ENMRWS). The water supply and long-term security to be made available by this project is absolutely critical to the region's future. I look forward to working with my colleagues here in the Senate to help make this project a reality.

This bill is very similar to a bill I introduced in June 2004 which was the subject of a hearing before the Water & Power Subcommittee of the Energy & Natural Resources Committee. At that hearing, the Bureau of Reclamation raised a number of issues that needed to be addressed by the Project sponsors prior to securing Reclamation's support. I'm happy to say that the sponsors have worked diligently to address those issues, and it is time, once again, to move this project towards authorization. I realize that there is little time left in the 109th Congress. Nonetheless, introduction of this bill now is important to ensure an ongoing dialogue with the Bureau of Reclamation and maintain progress as we head towards the 110th Congress.

The source of water for the ENMRWS is Ute Reservoir, a facility constructed by the State of New Mexico in the early 1960s. In 1966, Congress authorized Reclamation to study the feasibility of a project that would utilize Ute Reservoir to supply water to communities in eastern New Mexico (P.L. 89–561). Numerous studies were subsequently completed, but it was not until the late 1990s that several communities, concerned about their reliance on declining and degraded groundwater supplies in the area, began to plan seriously for the development of a regional water system that would make use of the renewable supply available from Ute Reservoir.

As part of that process, the Eastern New Mexico Rural Water Authority was formed to carry out the development of the ENMRWS. The Authority consists of 6 communities and 2 counties in eastern New Mexico, and has been very effective in securing local funds and State funding to support the studies and planning necessary to move the project forward. To date, the State of New Mexico has provided over $4 million to help develop the ENMRWS.

This is a very important bill to the citizens of New Mexico. It has the broad support of the communities in the region as well as financial support from the State of New Mexico. There is no question that completion of the ENMRWS will provide communities in Curry and Roosevelt counties with a long-term renewable source of water that is needed to sustain current economic activity and support future growth and development in the region. I hope my colleagues will support this legislation, thereby helping to address pressing water needs in the rural West.

By Mr. MENENDEZ:

S. 4009. A bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes; to the Committee on the Judiciary.

Mr. MENENDEZ. Mr. President, I rise today to introduce legislation designed to protect the most vulnerable members of our society, our children, from environmental pollution. We are well aware that children are especially susceptible to toxins in the environment—they spend a good deal of time playing outside, and frequently put foreign objects into their mouths. In proportion to their body weight, they eat, drink, and breathe more than adults, meaning concentrations of pollutants that might not affect adults could have serious consequences for children. Furthermore, many of their physiological

systems are still developing, making them particularly sensitive to pollutants.

I believe that our environmental laws need to first and foremost protect the most vulnerable members of our society. Unfortunately, many of our statutes are designed with adults in mind, and may not adequately protect children. In addition, there have been a number of recent reports in New Jersey about schools and day care centers being built on contaminated sites. One site in particular, the Kiddie Kollege day care center in Franklin Township, NJ, was operating at the site of a former thermometer factory, exposing the children and employees to dangerous levels of mercury. Sadly, there was no requirement for the property to be tested for environmental contamination prior to opening as a day care center. Subsequently, we have learned about a number of day care centers either built on or adjacent to sites contaminated with volatile organic chemicals and other toxins.

That is why I am introducing this legislation today. The Environmental Protection for Children Act would create a grant program that encourages States to enact laws ensuring that properties are tested for pollution before a new day care center or school is allowed to open. The grants could be used for the testing and cleanup of existing schools and day care centers as well. Furthermore, this bill tightens the Federal programs that regulate hazardous chemicals and environmental pollutants—the Toxic Substances Control Act, Superfund law, Toxic Release Inventory, and Federal Hazardous Substances Act—so that the vulnerability of children to toxins and pollutants is taken into account when public health standards are being developed. It also provides for more research into the specific vulnerabilities of children to environmental pollutants, since in many cases we don't know how much additional risk children are under.

We as a Nation have assiduously acted to protect our children from many of the dangers that they face every day, but we have dropped the ball when it comes to making sure that the places where they spend their days are free from contamination. The Environmental Protection for Children Act will help fix that, and I urge my colleagues to join me in support of this important piece of legislation.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 4013. A bill to amend the Internal Revenue Code of 1986 to expand the resources eligible for the renewable energy credit to kinetic hydropower, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise to introduce a bill that will further our Nation's energy independence, and provide for sustainable electricity generation. This bill, which is cosponsored by my colleague from Oregon Senator WYDEN, will make facilities that generate electricity using kinetic hydropower eligible for a production tax credit.

Under this bill, kinetic hydropower is defined as: ocean free flowing water derived from flows from tidal currents, ocean currents, waves, or estuary currents; ocean thermal energy; or free flowing water in rivers, lakes, manmade channels, or streams.

These innovative technologies are renewable, non-emitting resources that can help meet our Nation's growing demand for electricity. In Oregon, it would be possible to produce and transmit over two hundred megawatts of wave energy without any upgrades to the existing transmission system on the coast. Already a number of preliminary permits have been filed at the Federal Energy Regulatory Commission for wave energy facilities off the Oregon coast.

These facilities would be virtually invisible from shore, and could provide predictable generation that could be easily integrated with other electricity resources. In addition, according to a January 2005 report issued by the Electric Power Research Institute, ''with proper siting, converting ocean wave energy to electricity is believed to be one of the most environmentally benign ways to generate electricity.''

As with many emerging renewable technologies, wave and tidal energy are more costly than traditional generation using fossil fuels. Yet, for our environment and our energy security, we must provide incentives that will encourage the development and commercialization of these resources.

I urge my colleagues to support this important legislation, and to provide this production tax credit.

By Mr. LUGAR (for himself, Mr. FRIST, Mr. BIDEN, Mr. SMITH, and Mr. MCCAIN):

S. 4014. A bill to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of Albania, Croatia, Georgia, and Macedonia to NATO, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise today to introduce the ''NATO Freedom Consolidation Act of 2006. I am pleased that the Majority Leader, Senator FRIST, Senator BIDEN, and Senator SMITH have joined me in proposing this important legislation.

The goal of this bill is to reaffirm United States support for continued enlargement of NATO to democracies that are able and willing to meet the responsibilities of membership. In particular, the legislation calls for the timely admission of Albania, Croatia, Georgia, and Macedonia to NATO and authorizes security assistance for these countries in Fiscal Year 2007. Each of these countries has clearly stated its desire to join NATO and is working hard to meet the specified requirements for membership. The bill also affirms that the United States stands ready to consider, and if all applicable criteria are satisfied, to support efforts by Ukraine to join NATO, should Ukraine decide that it wishes to meet the responsibilities of membership in the Alliance.

I believe that eventual NATO membership for these four countries would be a success for Europe, NATO, and the United States by continuing to extend the zone of peace and security. Albania, Croatia, and Macedonia have been making progress on reforms through their participation in the NATO Membership Action Plan since 2002. Unfortunately, Georgia has not yet been granted a Membership Action Plan but nevertheless has made remarkable progress. This legislation will provide important incentives and assistance to the countries to continue the implementation of democratic, defense, and economic reforms.

Since the end of the Cold War, NATO has been evolving to meet the new security needs of the 21st century. In this era, the threats to NATO members are transnational and far from its geographic borders. There is strong support among members for NATO's operation in Afghanistan, and for its training mission in Iraq. NATO's viability as an effective defense and security alliance depends on flexible, creative leadership, as well as the willingness of members to improve capabilities and address common threats.

If NATO is to continue to be the preeminent security Alliance and serve the defense interests of its membership, it must continue to evolve and that evolution must include enlargement. Potential NATO membership motivates emerging democracies to make important advances in areas such as the rule of law and civil society. A closer relationship with NATO will promote these values and contribute to our mutual security. Georgia is a young democracy that has made tremendous progress since the ''Rose Revolution.'' It is situated in a critical geostrategic location and his host to a large portion of the Baku-Tbilisi-Ceyhan pipeline that carries important energy resources to the West from Azerbaijan and, in the future, Kazakhstan. Georgia is resisting pressure from breakaway republics backed by Moscow. In the past, border disputes have been identified as reasons a country may not be invited to join NATO. But in this case, Russia's action, not Georgia's, is frustrating Tbilisi's NATO aspirations.

Three years ago, the United States Senate unanimously voted to invite seven countries to join NATO. Today, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia are making significant contributions to NATO and are among our closest allies in the global war on terrorism. It is time again for the United States to take the lead in urging its allies to bring in new members, and to offer

timely admission of Albania, Croatia, Georgia, and Macedonia to NATO.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 4017. A bill to provide for an appeals process for hospital wage index classification under the Medicare program, and for other purposes; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce with Senator SANTORUM the Hospital Payment Improvement and Equity Act, which will provide an increased reimbursement for acute care hospitals and inpatient rehabilitation facilities that are disadvantaged by Medicare payments under the Medicare area wage index reclassification system.

For a considerable period of time, there have been a number of counties in Pennsylvania that have been suffering from low Medicare reimbursements, which has caused them great disadvantage because their nurses, and other medical personnel are moving to surrounding areas. I refer specifically to Luzerne County, Lackawanna County, Wyoming County, Lycoming County, and Columbia County in northeastern Pennsylvania. Those counties are surrounded by MSAs, metropolitan statistical areas, in Newport, NY, to the north; in Allentown to the southeast; and the Harrisburg MSA to the southwest. As these counties are surrounded by MSAs with higher Medicare reimbursements, a flight of very necessary medical personnel has occurred. More recently, western Pennsylvania has been faced with Medicare reimbursement that has not kept pace with the rising cost of healthcare placing a tremendous burden on these facilities to provide good jobs at competitive wages.

It has also come to my attention that inpatient rehabilitation facilities are not provided an opportunity to obtain equitable Medicare reimbursement. Inpatient rehabilitation facilities receive adjustments in their Medicare reimbursement due to geographic disadvantages within the Medicare inpatient prospective payment system. This is based on information gathered from other acute care facilities in the MSA, not from their own wage information. Inpatient Rehabilitation Facilities, further, cannot apply for reclassification to another MSA that reflects their labor costs. This has prevented those facilities from being eligible for increased funding to assist with wages like acute care facilities, while being forced to compete for employees with those facilities that have had access to increased funding.

I have worked to find a solution to this problem for a number of years. During the conference for the fiscal year 2002 Labor, Health and Human Services, and Education Appropriations bill, the conferees agreed that there should be relief for these areas in Pennsylvania that were surrounded by areas that had higher MSA ratings. However, at the last minute, there was an objection to including language in the conference report.

To correct this problem I, with Representatives SHERWOOD and ENGLISH, brought the matter forward in the Fiscal Year 2002 Supplemental Appropriations bill. They worked to include language in the House version of the bill and I filed an amendment to the Senate bill. During conference negotiations my amendment was defeated and the provisions were not included.

As part the Fiscal Year 2004 Labor, Health and Human Services, and Education Appropriations, I provided $7 million for hospitals in Northeast Pennsylvania that continued to be disadvantaged by the Medicare area wage index reclassification. This was provided as temporary assistance for those facilities.

During the consideration of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, I met with Finance Chairman GRASSLEY and Ranking Member BAUCUS about the bill provisions, including the need for a solution to the Medicare area wage index reclassification problem in Pennsylvania. As a result, Section 508 was included in the bill, which provides increased funding for hospitals nationally to be reclassified to locations with higher Medicare reimbursement rates for three years at $300 million per year. The temporary program, which began in April 2004 and will expire April 2007, has and will provide Pennsylvania hospitals $69 million over that time, $23 million per year.

Most recently, as part of the Senate Fiscal Year 2007 Labor, Health and Human Services, and Education Appropriations bill, I provided $4.3 million for hospitals in the Scranton/Wilkes-Barre and Williamsport areas that have been harmed by the ongoing wage index problem. Further, on June 14, 2006, 20 other Senators joined me in sending a letter to Finance Chairman GRASSLEY and Ranking Member BAUCUS in support of Senate action to extend Section 508.

As the Section 508 program is scheduled to expire on March 31, 2007, and the low Medicare area wage index reimbursement is still being unfairly placed on many Pennsylvania hospitals, the legislation I am introducing would extend the current Section 508 benefit to those who are currently receiving funding and to those who deserved funds under the previous competition for this funding.

The legislation builds on the Section 508 Medicare Prescription Drug, Improvement, and Modernization Act of 2003, by providing hospitals who continue to be disadvantaged by low Medicare reimbursement an increase in funding. The bill would allow both acute care hospitals and not-for-profit inpatient rehabilitation facilities apply for funding in a similar manner as set up under Section 508. Facilities that meet specific wage and geographic criteria will receive a three year reclassification.

Under the Section 508, program a number of hospitals meet the necessary criteria to receive reclassification, however, inadequate funding of $300 million per year for the program was provided. As a result, 154 additional hospitals did not receive this vital funding. Under this legislation, sufficient funds would be provided to allow all facilities that meet wage and geographic criteria to receive reclassification funding.

To remedy the under-funding of impatient rehabilitation facilities, not for profit facilities will be eligible for funding through this program. If all acute care hospitals in an MSA apply for and receive funding through this program, or have sole community hospital status, or have reclassified to another MSA through another mechanism, then non-profit inpatient rehabilitation facilities in that MSA are eligible. Those rehabilitation facilities will be reclassified to the MSA where a majority of other hospitals from the same MSA have been reclassified.

For those hospitals who received funding under the current Section 508; they will have received the benefit of a higher wage index for three years, April 1 , 2004–March 1, 2007. These higher wages will be included in the hospitals' cost reports and be reflected in the data used to calculate a future wage index. It has always been the hope that this increased funding would enable these hospitals to pay higher wages and subsequently see an increase in the area wage index.

The problem with the wage index system is the use of three year-old audited cost report data for the calculation of the wage index. Therefore, a full year of Section 508 money from fiscal year 2004 will first be seen in the fiscal year 2008 wage index calculation. For hospitals that end their fiscal year on June 30, that wage data will not be included in their wage index calculation until fiscal year 2009. To reclassify, three years of data is needed to show the proper evidence for eligibility. Thus, the full effect of the Section 508 funding will flow through the wage index system by fiscal year 2011. For this reason, additional funding is needed for the next three years in order for these disadvantaged hospitals to continue paying competitive salaries to their employees.

Under Section 508, 121 hospitals have and will receive $900 million in assistance, while this is a significant amount of funding, it did not fix the problem of low Medicare wage reimbursement. A long term solution to this problem is needed, however the current Section 508 funding will expire on March 31, 2007 and additional funding is needed for these facilities while we work to find that solution. The loss of hospitals and jobs due to unfair CMS reimbursement is unacceptable.

The hospitals which face this low Medicare reimbursement are in great financial distress. These are hospitals which are serving an aging population

in northeastern Pennsylvania and across the nation. This legislation provides Medicare reimbursement assistance for those facilities and ensures Medicare beneficiaries' access to care. I encourage my colleagues to work with Senator SANTORUM and me to move this legislation forward promptly.

By Mr. WYDEN (for himself, Mr. KERRY, and Mr. OBAMA):

S. 4018. A bill to establish a Vote by Mail grant program; to the Committee on Rules and Administration.

Mr. WYDEN. Mr. President, when many Americans think of voting, they think of long lines, malfunctioning equipment, closed polls, or even worse, fraud. That's why so many Americans don't bother to vote. But in my home State of Oregon, folks vote by mail and these sorts of problems are a thing of the past.

So today I come to the floor to talk about the sorry state of the Nation's election system and discuss my bill, the Vote by Mail Act of 2006.

There is nothing more fundamental than the right to vote. It is the foundation on which our democracy rests. Weaken the right to vote and you weaken America.

It's been almost 6 years since the 2000 Florida hanging chad debacle. And yet, problems with America's election system—and waning confidence in that system—persist.

This year's primary elections were no exception to the rule:

In Montgomery County, MD, polling places opened late because election officials forgot to distribute the access cards necessary to run the voting machines. Voters resorted to filling out provisional ballots and when those ran out, they used photocopied ballots and even scraps of paper.

Next door, in Prince George's County, MD, a handful of errors—computers incorrectly identifying voters' party affiliation, electronic voter registration lists freezing up, and voting machines failing to transmit data—delayed results of a hotly contested election and may result in a lawsuit.

Long lines, a lack of machines at certain polling places, and other irregularities cast a black mark on Ohio's 2004 Presidential election results. Unfortunately, this year's primary elections were also plagued by problems. In Cuyahoga County, Ohio's largest county, thousands of absentee ballots were incorrectly formatted for electronic scanners and had to be counted by hand. And problems with about 10 percent of the paper ballots cast meant that they couldn't be counted at all.

In Cook County, IL, new voting technology created headaches at hundreds of voting sites around the county, which delayed results in a decisive county board race.

And in Tarrant County, TX, voting machines counted ballots as many as six times, which meant that 100,000 more votes were recorded than were actually cast.

These are just a few recent examples of election system snafus that have raised concerns about voting system accuracy and reliability, concerns that have led some states to reconsider their election plans.

Last week, Maryland Governor Robert Ehrlich suggested that the state scrap its new electronic voting system and return to paper ballots. Earlier this year, Governor Bill Richardson of New Mexico got rid of his touch-screen voting machines. Connecticut's Secretary of State did the same. Both states have decided to use paper ballots and optical scanners instead of electronic machines.

But as Florida reminds us, paper isn't perfect either and right now—electronic or paper—you can expect there to be lot of problems come November 7th.

Hopefully, these problems won't affect the outcome of any election. I sure hope they don't. But whether they do or not, the Election Day problems that I expect will plague states and counties around the nation will push voter confidence in our election system further into the basement.

It's too late for Congress to do much of anything to fix the problem before the 2006 elections. But we can do something to make sure these problems don't arise ever again.

So today, along with my esteemed colleagues, Senator JOHN KERRY of Massachusetts and Senator BARACK OBAMA of Illinois, I am introducing the Vote by Mail Act of 2006, a bill that will make Election Day problems a thing of the past and quickly and effectively reinvigorate Americans' confidence in their election system and in their democracy.

The bill creates a three year, $110 million grant program to help interested states adopt vote by mail election systems like the one that Oregon voters have been successfully using for some time now.

It's a pretty simple system. Voters get their ballots in the mail. Wherever and whenever they would like, right up to Election Day, voters complete their ballots and return them.

With vote by mail, polls don't open late.

With vote by mail, there aren't any long lines at the polls.

With vote by mail, there's no more confusion about where you are supposed to vote.

There's no more debate about whether you are on the voting rolls—either you get the ballot in the mail, or you don't. If you don't, you have time to contact your election officials to sort it out.

Vote by mail means almost no chance of voter fraud because trained election officials match the signature on each ballot against the signature on each voter's registration card.

No ballot is processed or counted until everyone is satisfied that the two signatures match.

With vote by mail, you've got a paper trail. Each voter marks up his ballot and sends it in. That ballot is counted and then becomes the paper record used in the event of a recount.

With vote by mail, there's much less risk of voter intimidation. That's why a 2003 study of Oregon voters showed that those groups that would likely be most vulnerable to coercion actually prefer vote by mail.

Vote by mail results in more informed voters. Because folks get their ballots weeks before the election, they have the time they need to get educated about the candidates and the issues, and deliberate in a way not possible at a polling place.

Vote by mail leads to huge election costs savings because it gets rid of the need to transport equipment to polling stations and to hire and train poll workers. Oregon has reduced its election-related costs by 30 percent since implementing vote by mail. I expect that other states that adopt vote by mail will see the same results.

Vote by mail can help make the problems of recent elections a thing of the past. In doing so, it will make our elections fairer and help reinstill faith in our democracy.

Vote by mail works. And that's why Senator KERRY and Senator OBAMA and I are introducing the Vote by Mail Act of 2006 today.

It gives States funds that they can use to make the transition away from the traditional voting methods that have led to so many problems, so many concerns, and so little confidence in the American election system.

It gives States funds that they can use to adopt Oregon-style vote by mail with the technical assistance and the guidance of the Election Assistance Commission.

I believe that the Vote by Mail Act of 2006 can fix our election system once and for all.

One final point: the Help Americans Vote Act, also know as HAVA, takes important steps to ensure equal access to voting for all Americans. HAVA's protections are particularly important to voters with disabilities, and it is our responsibility to keep building on that foundation. Nothing in this bill undermines or changes those aspects of HAVA that require vote by mail systems to be just as accessible as any other voting method.

While I think Oregon has proven that people with disabilities can benefit from vote by mail, it is important to keep working with the people who know these issues best to make sure the right to vote is protected. And Senator KERRY, Senator OBAMA, and I look forward to working with disabled and other civil rights organizations, election reform groups, community organizations and the voters themselves to ensure that the Vote by Mail Act of 2006 further promotes access to the polls for individuals with disabilities.

So I urge my colleagues to seriously consider this bill and urge them to support it. Vote by mail has been an enormous success in Oregon. I am sure that

other States that adopt it will see the same benefits. This bill helps ensure that States have that opportunity.

I asked for unanimous consent that my statement be printed into the RECORD and I ask for unanimous consent that the text of the Vote by Mail Act of 2006 be printed in the RECORD.

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

S. 4018

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 ''Vote by Mail Act of 2006''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Supreme Court declared in Reynolds v. Sims that ''[i]t has been repeatedly recognized that all qualified voters have a constitutionally protected right to vote . . . and to have their votes counted.''.

(2) In the 2000 and 2004 presidential elections, voting technology failures and procedural irregularities deprived some Americans of their fundamental right to vote.

(3) In 2000, faulty punch card ballots and other equipment failures prevented accurate vote counts nationwide. A report by the Caltech/MIT Voting Technology Project estimates that approximately 1,500,000 votes for president were intended to be cast but not counted in the 2000 election because of equipment failures.

(4) In 2004, software errors, malfunctioning electronic voting systems, and long lines at the polls prevented accurate vote counts and prevented some people from voting. For instance, voters at Kenyon College in Gambier, Ohio waited in line for up to 12 hours because there were only 2 machines available for 1,300 voters.

(5) Under the Oregon Vote by Mail system, election officials mail ballots to all registered voters at least 2 weeks before election day. Voters mark their ballots, seal the ballots in both unmarked secrecy envelopes and signed return envelopes, and return the ballots by mail or to secure drop boxes. Once a ballot is received, election officials scan the bar code on the ballot envelope, which brings up the voter's signature on a computer screen. The election official compares the signature on the screen and the signature on the ballot envelope. Only if the signature on the ballot envelope is determined to be authentic is the ballot forwarded on to be counted.

(6) Oregon's Vote by Mail system has resulted in an extremely low rate of voter fraud because the system includes numerous security measures such as the signature authentication system. Potential misconduct is also deterred by the power of the State to punish those who engage in voter fraud with up to five years in prison, $100,000 in fines, and the loss of their vote.

(7) Vote by Mail is one factor making voter turnout in Oregon consistently higher than the average national voter turnout. For example, Oregon experienced a record voting-age-eligible population turnout of 70.6 percent in the 2004 presidential election, compared to 58.4 percent nationally. Oregon's turnout of registered voters for that election was 86.48 percent.

(8) Women, younger voters, and homemakers also report that they vote more often using Vote by Mail.

(9) Vote by Mail reduces election costs by eliminating the need to transport equipment to polling stations and to hire and train poll workers. Oregon has reduced its election-related costs by 30 percent since implementing Vote by Mail.

(10) Vote by Mail allows voters to educate themselves because they receive ballots well before election day, which provides them with ample time to research issues, study ballots, and deliberate in a way that is not possible at a polling place.

(11) Vote by Mail is accurate—at least 2 studies comparing voting technologies show that absentee voting methods, including Vote by Mail systems, result in a more accurate vote count.

(12) Vote by Mail results in more up-to-date voter rolls, since election officials use forwarding information from the post office to update voter registration.

(13) Vote by Mail allows voters to visually verify that their votes were cast correctly and produces a paper trail for recounts.

(14) In a survey taken 5 years after Oregon implemented the Vote by Mail system, more than 8 in 10 Oregon voters said they preferred voting by mail to traditional voting.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELECTION.—The term ''election'' means any general, special, primary, or runoff election.

(2) PARTICIPATING STATE.—The term ''participating State'' means a State receiving a grant under the Vote by Mail grant program under section 4.

(3) STATE.—The term ''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(4) VOTING SYSTEM.—The term ''voting system'' has the meaning given such term under section 301(b) of the Help America Vote Act of 2002 (42 U.S.C. 15481(b)).

SEC. 4. VOTE BY MAIL GRANT PROGRAM.

(a) ESTABLISHMENT.—Not later than 270 days after the date of enactment of this Act, the Election Assistance Commission shall establish a Vote by Mail grant program (in this section referred to as the ''program'').

(b) PURPOSE.—The purpose of the program is to make implementation grants to participating States solely for the implementation of procedures for the conduct of all elections by mail at the State or local government level.

(c) LIMITATION ON USE OF FUNDS.—In no case may grants made under this section be used to reimburse a State for costs incurred in implementing mail-in voting for elections at the State or local government level if such costs were incurred prior to the date of enactment of this Act.

(d) APPLICATION.—A State seeking to participate in the program under this section shall submit an application to the Election Assistance Commission containing such information, and at such time as, the Election Assistance Commission may specify.

(e) AMOUNT AND NUMBER OF IMPLEMENTATION GRANTS; DURATION OF PROGRAM.—

(1) AMOUNT OF GRANTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the amount of an implementation grant made to a participating State shall be, in the case of a State that certifies that it will implement all elections by mail in accordance with the requirements of subsection (f), with respect to—

(i) the entire State, $2,000,000; or

(ii) any single unit or multiple units of local government within the State, $1,000,000.

(B) EXCESS FUNDS.—

(i) IN GENERAL.—The Election Assistance Commission shall establish a process to distribute excess funds to participating States. The process shall ensure that such funds are allocated among participating States in an equitable manner, based on the number of registered voters in the area in which the State certifies that it will implement all of its elections by mail under subparagraph (A).

(ii) EXCESS FUNDS DEFINED.—For purposes of clause (i), the term ''excess funds'' means any amounts appropriated pursuant to the authorization under subsection (h)(1) with respect to a fiscal year that are not awarded to a participating State under an implementation grant during such fiscal year.

(C) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—An implementation grant made to a participating State under this section shall be available to the State without fiscal year limitation.

(2) NUMBER OF IMPLEMENTATION GRANTS.—

(A) IN GENERAL.—The Election Assistance Commission shall award an implementation grant to up to 18 participating States under this section during each year in which the program is conducted.

(B) ONE GRANT PER STATE.—The Election Assistance Commission shall not award more than 1 implementation grant to any participating State under this section over the duration of the program.

(3) DURATION.—The program shall be conducted for a period of 3 years.

(f) REQUIREMENTS.—

(1) REQUIRED PROCEDURES.—A participating State shall establish and implement procedures for conducting all elections by mail in the area with respect to which it receives an implementation grant to conduct such elections, including the following:

(A) A process for recording electronically each voter's registration information and signature.

(B) A process for mailing ballots to all eligible voters.

(C) The designation of places for the deposit of ballots cast in an election.

(D) A process for ensuring the secrecy and integrity of ballots cast in the election.

(E) Procedures and penalties for preventing election fraud and ballot tampering, including procedures for the verification of the signature of the voter accompanying the ballot through comparison of such signature with the signature of the voter maintained by the State in accordance with subparagraph (A).

(F) Procedures for verifying that a ballot has been received by the appropriate authority.

(G) Procedures for obtaining a replacement ballot in the case of a ballot which is destroyed, spoiled, lost, or not received by the voter.

(H) A plan for training election workers in signature verification techniques.

(I) Plans and procedures to ensure that voters who are blind, visually-impaired, or otherwise disabled have the opportunity to participate in elections conducted by mail and to ensure compliance with the Help America Vote Act of 2002. Such plans and procedures shall be developed in consultation with disabled and other civil rights organizations, voting rights groups, State election officials, voter protection groups, and other interested community organizations.

(g) BEST PRACTICES, TECHNICAL ASSISTANCE, AND REPORTS.—The Election Assistance Commission shall—

(1) develop, periodically issue, and, as appropriate, update best practices for conducting elections by mail;

(2) provide technical assistance to participating States for the purpose of implementing procedures for conducting elections by mail; and

(3) submit to the appropriate committees of Congress—

(A) annual reports on the implementation of such procedures by participating States during each year in which the program is conducted; and

(B) upon completion of the program conducted under this section, a final report on the program, together with recommendations for such legislation or administrative action as the Election Assistance Commission determines to be appropriate.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) GRANTS.—There are authorized to be appropriated to award grants under this section, for each of fiscal years 2007 through 2009, $36,000,000, to remain available without fiscal year limitation until expended.

(2) ADMINISTRATION.—There are authorized to be appropriated to administer the program under this section, $2,000,000 for the period of fiscal years 2007 through 2009, to remain available without fiscal year limitation until expended.

(i) RULE OF CONSTRUCTION.—In no case shall any provision of this section be construed as affecting or replacing any provisions or requirements under the Help America Vote Act of 2002, or any other laws relating to the conduct of Federal elections.

SEC. 5. STUDY ON IMPLEMENTATION OF MAIL-IN VOTING FOR ELECTIONS.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States (in this section referred to as the ''Comptroller General'') shall conduct a study evaluating the benefits of nationwide implementation of mail-in voting in elections, taking into consideration the annual reports submitted by the Election Assistance Commission under section 4(f)(3)(A) before November 1, 2009.

(2) SPECIFIC ISSUES STUDIED.—The study conducted under paragraph (1) shall include a comparison of traditional voting methods and mail-in voting with respect to—

(A) the likelihood of voter fraud and misconduct;

(B) accuracy of voter rolls;

(C) accuracy of election results;

(D) voter participation in urban and rural communities and by minorities, language minorities (as defined in section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa–1a)), and individuals with disabilities; and

(E) public confidence in the election system.

(b) REPORT.—Not later than November 1, 2009, the Comptroller General shall prepare and submit to the appropriate committees of Congress a report on the study conducted under subsection (a), together with such recommendations for legislation or administrative action as the Comptroller General determines to be appropriate.

By Mr. INHOFE:

S. 4023. A bill to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. INHOFE. Mr. President, today I introduce legislation to authorize the title transfer of the McGee Creek Reservoir dam and its associated facilities, which are located approximately 20 miles southeast of Atoka, OK.

My bill transfers title from the Bureau of Reclamation to the McGee Creek Authority.

The McGee Creek Authority is a trust of the State of Oklahoma. This Oklahoma entity was established to develop, finance, operate, and maintain the water supply in the McGee Creek Reservoir. Thus, the primary purpose is to provide a dependable ''municipal and industrial'' water supply for Oklahoma City, the City of Atoka, Atoka County, and the area represented by the Southern Oklahoma Development Trust. The McGee Creek Authority currently operates the dam and associated facilities.

This title transfer under this bill will allow Oklahoma City to make the necessary capital improvements and upgrades needed to assure the continued efficient operation of the Reservoir.

This bill is responsible legislation that will end requests for federal funds and will protect the federal government from legal liabilities that could be incurred in their operation.

This legislation is the result of cooperation and coordination between Oklahoma City, the McGee Creek Authority, and the Bureau of Reclamation. I thank the Bureau of Reclamation for their drafting service in preparing the legislation, as well as of course the Senate Legislative Counsel. This legislation was requested by Mayor Mick Cornett of Oklahoma City, and I am happy to assist in this worthy cause.

I ask unanimous consent to print in the RECORD the letter of request from Mayor Cornett.

I encourage my colleagues to join me in support of the bill.

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

February 13, 2006.

Hon. JAMES INHOFE,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN INHOFE: The purpose of this letter is to request your assistance in obtaining a federal legislative authorization for the title transfer of the McGee Creek Reservoir dam and associated facilities from the Bureau of Reclamation to the McGee Creek Authority. The McGee Creek Authority is a trust of the State of Oklahoma and also currently operates the dam and associated facilities.

This title and transfer is supported by the Bureau of Reclamation and will allow Oklahoma City to make capital improvements and upgrades needed to assure the continued efficient operation of the Reservoir.

Attached is a copy of the background of the Authority's responsibility and the description of the property to be transferred.

Sincerely,

MICK CORNETT,
Mayor.

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. OBAMA, and Mr. BINGAMAN):

S. 4024. A bill to amend the Public Health Service Act to improve the health and healthcare of racial and ethnic minority and other health disparity populations; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I rise today to discuss a bill that has been very close to my heart for some time. And that is a bill that will help us better understand, and one day eliminate, the health disparities that plague this country.

Many Americans don't realize that a problem exists. But traveling through rural Tennessee and spending 20 years in medicine, I know that it does.

The fact of the matter is African-Americans have higher overall rates of death and are more likely to report poor health than white or other minorities. The death rate for all kinds of cancers is a third higher for African-Americans than it is for whites. And there are 8 times as many blacks as whites in the United States with HIV–AIDS.

In Tennessee, African-Americans are 32 percent more likely to die from heart disease. The stroke rate for black Tennesseans is 43 percent higher than for whites. The infant mortality rate among African-Americans in Tennessee is almost 3 times as high as it is for whites. In a State that ranks 3rd in the Nation for infant mortality—it's a hard statistic to swallow.

Which is why we must change it.

And that is the goal of the bill before us.

The intent of this bi-partisan bill is two-fold: to understand the root causes of health disparities, and through better understanding them, wipe them away.

To help foster that fuller comprehension of the challenge we face, this legislation will direct the Secretary of Health and Human Services to collect and report healthcare data by race and ethnicity, as well as geographic location, socioeconomic status and health literacy to identify and address health care disparities.

The legislation outlines mechanisms to research the problem, to conduct educational outreach to minorities, to increase diversity among healthcare professionals, to enhance communication between patients and doctors, and to improve the delivery of health care to minorities.

Through educational outreach we can work to change patient behavior.

The top 3 causes of death among African-Americans are heart disease, cancer, and stroke. Thirteen percent of the adult African-American population has diabetes. And the risks of each of these can be minimized through healthier diet and tobacco cessation.

The bill before us establishes grants for programs that will reach out to health disparity populations, and teach healthier habits. Emphasizing the importance of preventative care is a fundamental step in the road to reducing disparities.

Fostering better communication between healthcare providers and health disparity populations can be achieved in part by encouraging more minorities to enter the healthcare profession. To that end, the bill before us reauthorizes several programs to support educational opportunities for minorities in healthcare.

We have a long history in this country of working to eliminate the inequities driven by race, ethnicity, and socioeconomic status. I believe that the bill before us today will go a long way in helping us realize a day when we are truly a Nation of equals.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 4024

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 ''Minority Health Improvement and Health Disparity Elimination Act''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—EDUCATION AND TRAINING

Sec. 101. Cultural competency and communication for providers.
Sec. 102. Healthcare workforce, education, and training.
Sec. 103. Workforce training to achieve diversity.
Sec. 104. Mid-career health professions scholarship program.
Sec. 105. Cultural competency training.
Sec. 106. Authorization of appropriations; reauthorizations.

TITLE II—CARE AND ACCESS

Sec. 201. Care and access.
Sec. 202. Authorization of appropriations.

TITLE III—RESEARCH

Sec. 301. Agency for healthcare research and quality.
Sec. 302. Genetic variation and health.
Sec. 303. Evaluations by the Institute of Medicine.
Sec. 304. National Center for Minority Health and Health Disparities reauthorization.
Sec. 305. Authorization of appropriations.

TITLE IV—DATA COLLECTION, ANALYSIS, AND QUALITY

Sec. 401. Data collection, analysis, and quality.

TITLE V—LEADERSHIP, COLLABORATION, AND NATIONAL ACTION PLAN

Sec. 501. Office of Minority Health and Health Disparity Elimination.

SEC. 2. DEFINITIONS.

In this Act and the amendments made by this Act:

(1) CULTURAL COMPETENCY.—The term ''culturally competent''—

(A) when used to describe health-related services, means providing healthcare tailored to meet the social, cultural, and linguistic needs of patients from diverse backgrounds; and

(B) when used to describe education or training, means education or training designed to prepare those receiving the education or training to provide health-related services tailored to meet the social, cultural, and linguistic needs of patients from diverse backgrounds.

(2) HEALTH DISPARITY POPULATION.—The term ''health disparity population'' has the meaning given such term in section 903(d)(1) of the Public Health Service Act (42 U.S.C. 299a–1(d)(1)).

(3) HEALTH LITERACY.—The term ''health literacy'' means the degree to which an individual has the capacity to obtain, communicate, process, and understand health information (including the language in which the information is provided) and services in order to make appropriate health decisions.

(4) MINORITY GROUP.—The term ''minority group'' has the meaning given the term ''racial and ethnic minority group'' in section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) (as amended by section 501).

(5) PRACTICE-BASED RESEARCH NETWORKS.—The term ''practice-based research network'' means a group of ambulatory practices devoted principally to the primary care of patients, and affiliated in their mission to investigate questions related to community-based practice and to improve the quality of primary care

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

TITLE I—EDUCATION AND TRAINING

SEC. 101. CULTURAL COMPETENCY AND COMMUNICATION FOR PROVIDERS.

Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following:

''SEC. 270. INTERNET CLEARINGHOUSE TO IMPROVE CULTURAL COMPETENCY AND COMMUNICATION BY HEALTHCARE PROVIDERS.

''(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of the Minority Health Improvement and Health Disparity Elimination Act, the Secretary, acting through the Deputy Assistant Secretary for Minority Health and Health Disparity Elimination, shall assist providers to improve the health and healthcare of racial and ethnic minority and other health disparity populations by developing and maintaining an Internet Clearinghouse within the Office of Minority Health and Health Disparity Elimination that—

''(1) increases cultural competency;

''(2) improves communication between healthcare providers, staff, and their patients, including those patients with low functional health literacy;

''(3) improves healthcare quality and patient satisfaction;

''(4) reduces medical errors and healthcare costs; and

''(5) reduces duplication of effort regarding translation of materials.

''(b) INTERNET CLEARINGHOUSE.—Not later than 12 months after the date of enactment of this section the Secretary, acting through the Deputy Assistant Secretary for Minority Health and Health Disparity Elimination, and in consultation with the Director of the Office for Civil Rights, shall carry out subsection (a) by—

''(1) developing and maintaining, through the Office of Minority Health and Health Disparity Elimination, an accessible library and database on the Internet with easily searchable, clinically-relevant information regarding culturally competent healthcare for racial and ethnic minority and other health disparity populations, including Internet links to additional resources that fulfill the purpose of this section;

''(2) developing and making templates for visual aids and standard documents with clear explanations that can help patients and consumers access and make informed decisions about healthcare, including—

''(A) administrative and legal documents, including informed consent and advanced directives;

''(B) clinical information, including information pertaining to treatment adherence, self-management training for chronic conditions, preventing transmission of disease, and discharge instructions;

''(C) patient education and outreach materials, including immunization or screening notices and health warnings; and

''(D) Federal health forms and notices;

''(3) ensuring that documents described in paragraph (2) are posted in English and non-English languages and are culturally appropriate;

''(4) encouraging healthcare providers to customize such documents for their use;

''(5) facilitating access to such documents, including distribution in both paper and electronic formats;

''(6) providing technical assistance to healthcare providers with respect to the access and use of information described in paragraph (1) including information to help healthcare providers—

''(A) understand the concept of cultural competence;

''(B) implement culturally competent practices;

''(C) care for patients with low functional health literacy, including helping such patients understand and participate in healthcare decisions;

''(D) understand and apply Federal guidance and directives regarding healthcare for racial and ethnic minority and other health disparity populations;

''(E) obtain reimbursement for provision of culturally competent services;

''(F) understand and implement bioinformatics and health information technology in order to improve healthcare for racial and ethnic minority and other health disparity populations; and

''(G) conduct other activities determined appropriate by the Secretary;

''(7) providing educational materials to patients, representatives of community-based organizations, and the public with respect to the access and use of information described in paragraph (1), including—

''(A) information to help such individuals—

''(i) understand the concept of cultural competence, and the role of cultural competence in the delivery of healthcare;

''(ii) work with healthcare providers to implement culturally competent practices; and

''(iii) understand the concept of low functional health literacy, and the barriers it presents to care; and

''(B) other material determined appropriate by the Secretary; and

''(8) supporting initiatives that the Secretary determines to be useful to fulfill the purposes of the Internet Clearinghouse.

''(c) DEFINITIONS.—The definitions contained in section 2 of the Minority Health Improvement and Health Disparity Elimination Act shall apply for purposes of this section.''.

SEC. 102. HEALTHCARE WORKFORCE, EDUCATION, AND TRAINING.

(a) IN GENERAL.—Part F of title VII of the Public Health Service Act (42 U.S.C. 295j et seq.) is amended by inserting after section 792 the following:

''SEC. 793. HEALTHCARE WORKFORCE, EDUCATION, AND TRAINING.

''(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and the Deputy Assistant Secretary for Minority Health and Health Disparity Elimination, shall establish an aggregated and disaggregated database on health professional students, including applicants, matriculates, and graduates.

''(b) REQUIREMENT TO COLLECT DATA.—

''(1) IN GENERAL.—Each health professions school described in paragraph (2) that receives Federal funds, shall collect race and ethnicity data, primary language data, and other health disparity data, as feasible and pursuant to subsection (d), concerning the students described in subsection (a), as well as intended geographical site of practice and intended discipline of practice for graduates. In collecting such data, a school shall—

''(A) at a minimum, use the categories for race and ethnicity established by the Director of the Office of Management and Budget in effect on the date of enactment of the Minority Health Improvement and Health Disparity Elimination Act; and

''(B) if practicable, collect data on additional population groups if such data can be aggregated into the minimum race and ethnicity data categories.

''(2) HEALTH PROFESSIONS SCHOOL.—A health professions school described under this paragraph is a school of medicine or osteopathic medicine, public health, nursing, dentistry, optometry, pharmacy, allied health, podiatric medicine, or veterinary medicine, or a graduate program in mental health practice.

''(c) REPORTING.—Each school or program described under subsection (b), shall, on an annual basis, report to the Secretary data on race and ethnicity and primary language collected under this section for inclusion in the database established under subsection (a). The Secretary shall ensure that such disparity data is reported to Congress and made available to the public.

''(d) HEALTH DISPARITY MEASURES.—The Secretary shall develop, report, and disseminate measures of the other health data referenced in section 793(b)(1), to ensure uniform and consistent collection and reporting of these measures by health professions schools. In developing such measures, the Secretary shall take into consideration health disparity indicators developed pursuant to section 2901(c).

''(e) USE OF DATA.—Data reported pursuant to subsection (c) shall be used by the Secretary to conduct ongoing short- and long-term analyses of diversity within health professions schools and the health professions. The Secretary shall ensure that such analyses are reported to Congress and made available to the public.

''(f) CULTURAL COMPETENCY TRAINING.—The Secretary shall collect and report data from health professions schools regarding the extent to which cultural competency training is provided to health professions students, and conduct periodic assessments regarding the preparedness of such students to care for patients from racial and ethnic minority and other health disparity populations.

''(g) PRIVACY.—The Secretary shall ensure that all data collected under this section is protected from inappropriate internal and external use by any entity that collects, stores, or receives the data and that such data is collected without personally identifiable information.

''(h) PARTNERSHIP.—The Secretary may contract with external entities to fulfill the requirements under this section if such entities have demonstrated expertise and experience collecting, analyzing, and reporting data required under this section for health professional students.''.

(b) NATIONAL HEALTH SERVICE CORPS PROGRAM.—

(1) ASSIGNMENT OF CORPS PERSONNEL.—Section 333(a)(3) of the Public Health Service Corps (42 U.S.C. 254f(a)(3)) is amended to read as follows:

''(3)(A) In approving applications for assignment of members of the Corps the Secretary shall not discriminate against application from entities which are not receiving Federal financial assistance under this Act.

''(B) In approving such applications, the Secretary shall—

''(i) give preference to applications in which a nonprofit entity or public entity shall provide a site to which Corps members may be assigned; and

''(ii) give highest preference to applications—

''(I) from entities described in clause (i) that are federally qualified health centers as defined in section 1905(l)(2)(B) of the Social Security Act; and

''(II) from entities described in clause (i) that primarily serve racial and ethnic minority and other health disparity populations with annual incomes at or below twice those set forth in the most recent poverty guidelines issued by the Secretary pursuant to section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).''.

(2) PRIORITIES IN ASSIGNMENT OF CORPS PERSONNEL.—Section 333A of the Public Health Service Act (42 U.S.C. 254f–1) is amended—

(A) in subsection (a)—

(i) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively; and

(ii) by striking ''shall—'' and inserting ''shall—

''(1) give preference to applications as set forth in subsection (a)(3) of section 333;''; and

(B) by striking ''subsection (a)(1)'' each place it appears and inserting ''subsection (a)(2)''.

(3) CONFORMING AMENDMENT.—Section 338I(c)(3)(B)(ii) of the Public Health Service Act (42 U.S.C. 254q–1(c)(3)(B)(ii)) is amended by striking ''section 333A(a)(1)'' and inserting ''section 333A(a)(2)''.

SEC. 103. WORKFORCE TRAINING TO ACHIEVE DIVERSITY.

(a) CENTERS OF EXCELLENCE.—Section 736 of the Public Health Service Act (42 U.S.C. 293) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary shall make grants to, and enter into contracts with, public and nonprofit private health or educational entities, including designated health professions schools described in subsection (c), for the purpose of assisting the entities in supporting programs of excellence in health professions education for underrepresented minorities in health professions.'';

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

''(b) REQUIRED USE OF FUNDS.—The Secretary may not make a grant under subsection (a) unless the designated health professions school involved agrees, subject to subsection (c)(1)(C), to use the funds awarded under the grant to—

''(1) develop a large competitive applicant pool through linkages with institutions of higher education, local school districts, and other community-based entities and establish an education pipeline for health professions careers;

''(2) establish, strengthen, or expand programs to enhance the academic performance of underrepresented minority in health professions students attending the school;

''(3) improve the capacity of such school to train, recruit, and retain underrepresented minority faculty members including the payment of such stipends and fellowships as the Secretary may determine appropriate;

''(4) carry out activities to improve the information resources, clinical education, curricula, and cultural and linguistic competence of the graduates of the school, as it relates to minority health and other health disparity issues;

''(5) facilitate faculty and student research on health issues particularly affecting racial and ethnic minority and other health disparity populations, including research on issues relating to the delivery of culturally competent healthcare (as defined in section 270);

''(6) carry out a program to train students of the school in providing health services to racial and ethnic minority and other health disparity populations (as defined in section 903(d)(1)) through training provided to such students at community-based health facilities that—

''(A) provide such health services; and

''(B) are located at a site remote from the main site of the teaching facilities of the school;

''(7) provide stipends as the Secretary determines appropriate, in amounts as the Secretary determines appropriate; and

''(8) conduct accountability and other reporting activities, as required by the Secretary in subsection (i).'';

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

''(1) DESIGNATED SCHOOLS.—

''(A) IN GENERAL.—The designated health professions schools referred to in subsection (a) are such schools that meet each of the conditions specified in subparagraphs (B) and (C), and that—

''(i) meet each of the conditions specified in paragraph (2)(A);

''(ii) meet each of the conditions specified in paragraph (3);

''(iii) meet each of the conditions specified in paragraph (4); or

''(iv) meet each of the conditions specified in paragraph (5).

''(B) GENERAL CONDITIONS.—The conditions specified in this subparagraph are that a designated health professions school—

''(i) has a significant number of underrepresented minority in health professions students enrolled in the school, including individuals accepted for enrollment in the school;

''(ii) has been effective in assisting such students of the school to complete the program of education and receive the degree involved;

''(iii) has been effective in recruiting such students to enroll in and graduate from the school, including providing scholarships and other financial assistance to such students and encouraging such students from all levels of the educational pipeline to pursue health professions careers; and

''(iv) has made significant recruitment efforts to increase the number of underrepresented minority in health professions individuals serving in faculty or administrative positions at the school.

''(C) CONSORTIUM.—The condition specified in this subparagraph is that, in accordance with subsection (e)(1), the designated health profession school involved has with other health profession schools (designated or otherwise) formed a consortium to carry out the purposes described in subsection (b) at the schools of the consortium.

''(D) APPLICATION OF CRITERIA TO OTHER PROGRAMS.—In the case of any criteria established by the Secretary for purposes of determining whether schools meet the conditions described in subparagraph (B), this section may not, with respect to racial and ethnic minorities, be construed to authorize, require, or prohibit the use of such criteria in any program other than the program established in this section.'';

(B) by amending paragraph (2) to read as follows:

''(2) CENTERS OF EXCELLENCE AT CERTAIN HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—

''(A) CONDITIONS.—The conditions specified in this subparagraph are that a designated health professions school is a school described in section 799B(1).

''(B) USE OF GRANT.—In addition to the purposes described in subsection (b), a grant under subsection (a) to a designated health professions school meeting the conditions described in subparagraph (A) may be expended—

''(i) to develop a plan to achieve institutional improvements, including financial independence, to enable the school to support programs of excellence in health professions education for underrepresented minority individuals; and

''(ii) to provide improved access to the library and informational resources of the school.

''(C) EXCEPTION.—The requirements of paragraph (1)(C) shall not apply to a historically black college or university that receives funding under this paragraph or paragraph (5).''; and

(C) by amending paragraphs (3) through (5) to read as follows:

''(3) HISPANIC CENTERS OF EXCELLENCE.—The conditions specified in this paragraph are that—

''(A) with respect to Hispanic individuals, each of clauses (i) through (iv) of paragraph (1)(B) applies to the designated health professions school involved;

''(B) the school agrees, as a condition of receiving a grant under subsection (a) of this section, that the school will, in carrying out the duties described in subsection (b) of this section, give priority to carrying out the duties with respect to Hispanic individuals; and

''(C) the school agrees, as a condition of receiving a grant under subsection (a) of this section, that—

''(i) the school will establish an arrangement with 1 or more public or nonprofit community-based Hispanic serving organizations, or public or nonprofit private institutions of higher education, including schools of nursing, whose enrollment of students has traditionally included a significant number of Hispanic individuals, the purposes of which will be to cary out a program—

''(I) to identify Hispanic students who are interested in a career in the health profession involved; and

''(II) to facilitate the educational preparation of such students to enter the health professions school; and

''(ii) the school will make efforts to recruit Hispanic students, including students who have participated in the undergraduate or other matriculation program carried out under arrangements established by the school pursuant to clause (i)(II) and will assist Hispanic students regarding the completion of the educational requirements for a degree from the school.

''(4) NATIVE AMERICAN CENTERS OF EXCELLENCE.—Subject to subsection (e), the conditions specified in this paragraph are that—

''(A) with respect to Native Americans, each of clauses (i) through (iv) of paragraph (1)(B) applies to the designated health professions school involved;

''(B) the school agrees, as a condition of receiving a grant under subsection (a) of this section, that the school will, in carrying out the duties described in subsection (b) of this section, give priority to carrying out the duties with respect to Native Americans; and

''(C) the school agrees, as a condition of receiving a grant under subsection (a) of this section, that—

''(i) the school will establish an arrangement with 1 or more public or nonprofit private institutions of higher education, including schools of nursing, whose enrollment of students has traditionally included a significant number of Native Americans, the purpose of which arrangement will be to carry out a program—

''(I) to identify Native American students, from the institutions of higher education referred to in clause (i), who are interested in health professions careers; and

''(II) to facilitate the educational preparation of such students to enter the designated health professions school; and

''(ii) the designated health professions school will make efforts to recruit Native American students, including students who have participated in the undergraduate program carried out under arrangements established by the school pursuant to clause (i) and will assist Native American students regarding the completion of the educational requirements for a degree from the designated health professions school.

''(5) OTHER CENTERS OF EXCELLENCE.—The conditions specified in this paragraph are—

''(A) with respect to other centers of excellence, the conditions described in clauses (i) through (iv) of paragraph (1)(B); and

''(B) that the health professions school involved has an enrollment of underrepresented minorities in health professions significantly above the national average for such enrollments of health professions schools.''; and

(4) by striking subsection (h) and inserting the following:

''(h) FORMULA FOR ALLOCATIONS.—

''(1) ALLOCATIONS.—Based on the amount appropriated under section 106(a) of the Minority Health Improvement and Health Disparity Elimination Act for a fiscal year, the following subparagraphs shall apply as appropriate:

''(A) IN GENERAL.—If the amounts appropriated under section 106(a) of the Minority Health Improvement and Health Disparity Elimination Act for a fiscal year are $24,000,000 or less—

''(i) the Secretary shall make available $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(2)(A); and

''(ii) and available after grants are made with funds under clause (i), the Secretary shall make available—

''(I) 60 percent of such amount for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (3) or (4) of subsection (c) (including meeting the conditions under subsection (e)); and

''(II) 40 percent of such amount for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5).

''(B) FUNDING IN EXCESS OF $24,000,000.—If amounts appropriated under section 106(a) of the Minority Health Improvement and Health Disparity Elimination Act for a fiscal year exceed $24,000,000 but are less than $30,000,000—

''(i) 80 percent of such excess amounts shall be made available for grants under subsection (a) to health professions schools that meet the requirements described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e)); and

''(ii) 20 percent of such excess amount shall be made available for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5).

''(C) FUNDING IN EXCESS OF $30,000,000.—If amounts appropriated under section 106(a) of the Minority Health Improvement and Health Disparity Elimination Act for a fiscal year exceed $30,000,000 but are less than $40,000,000, the Secretary shall make available—

''(i) not less than $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(2)(A);

''(ii) not less than $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e));

''(iii) not less than $6,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5); and

''(iv) after grants are made with funds under clauses (i) through (iii), any remaining excess amount for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (2)(A), (3), (4), or (5) of subsection (c).

''(D) FUNDING IN EXCESS OF $40,000,000.—If amounts appropriated under section 106(a) of the Minority Health Improvement and Health Disparity Elimination Act for a fiscal year are $40,000,000 or more, the Secretary shall make available—

''(i) not less than $16,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(2)(A);

''(ii) not less than $16,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e));

''(iii) not less than $8,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5); and

''(iv) after grants are made with funds under clauses (i) through (iii), any remaining funds for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (2)(A), (3), (4), or (5) of subsection (c).

''(2) NO LIMITATION.—Nothing in this subsection shall be construed as limiting the centers of excellence referred to in this section to the designated amount, or to preclude such entities from competing for grants under this section.

''(3) MAINTENANCE OF EFFORT.—

''(A) IN GENERAL.—With respect to activities for which a grant made under this part are authorized to be expended, the Secretary may not make such a grant to a center of excellence for any fiscal year unless the center agrees to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the center for the fiscal year preceding the fiscal year for which the school receives such a grant.

''(B) USE OF FEDERAL FUNDS.—With respect to any Federal amounts received by a center of excellence and available for carrying out activities for which a grant under this part is authorized to be expended, the center shall, before expending the grant, expend the Federal amounts obtained from sources other than the grant, unless given prior approval from the Secretary.

''(i) EVALUATIONS.—

''(1) ADVISORY COMMITTEE.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of the Minority Health Improvement and Health Disparity Elimination Act, the Secretary shall establish and appoint the members of an advisory committee composed of representatives of government agencies, including the Health Resources and Services Administration, the Office of Minority Health and Health Disparity Elimination, and the Indian Health Service, community stakeholders and experts in identifying and addressing the health concerns of racial and ethnic minority and other health disparity populations, and designees from health professions schools described in subsection (b).

''(B) DUTIES.—The advisory committee shall develop and recommend performance measures with which to assess, based on data to be compiled by recipients of grants or contracts under this section or section 736, 737, 738, or 739, the extent to which the program described in this section and sections 736, 737, 738, and 739 has met the purpose of this part. The advisory committee shall submit such recommendations to the Administrator of the Health Resources and Services Administration not later than 6 months after the appointment of the advisory committee.

''(C) NOTIFICATION.—Not later than 30 days after the submission of the recommendations, the Administrator of the Health Resources and Services Administration shall review the recommendations and establish performance measures described in subparagraph (B), and the Administrator shall notify recipients of grants or contracts under this section or section 736, 737, 738, or 739 of the new performance measures and make requirements related to the performance measures publicly available both on the website of the Administration and as part of any notifications of awards released to entities receiving the grants or contracts.

''(2) DATA COLLECTION AND ANNUAL EVALUATIONS.—

''(A) IN GENERAL.—The Administrator of the Health Resources and Services Administration shall collect annual data from recipients of grants or contracts under this section or section 736, 737, 738, or 739 on the performance measures established under paragraph (1).

''(B) BIANNUAL MEETING.—The Administrator of the Health Resources and Services Administration shall convene a meeting of the advisory committee established under paragraph (1) not less than twice per year. At the meeting, the advisory committee shall recommend any necessary changes to such performance measures to improve data collection and short-term evaluation with respect to the programs carried out under this section or section 736, 737, 738, or 739, and provide technical assistance as necessary.

''(3) UPDATES.—The Administrator of the Health Resources and Services Administration shall determine whether to incorporate the recommended changes as described in paragraph (2)(B) and provide technical assistance as necessary. The Administrator shall not penalize a current recipient of a grant or contract under this section or section 736, 737, 738, or 739 for failing to comply with the revised data collection or performance measure requirements if the recipient demonstrates an inability to provide additional data mandated under the requirements.

''(4) ACCOUNTABILITY.—The Administrator shall review and take into consideration performance measurement data previously collected from recipients of grants or contracts under this section or section 736, 737, 738, or 739 when deciding to renew the grants or contracts of such recipients.''.

(b) COOPERATIVE AGREEMENTS FOR ONLINE DEGREE PROGRAMS AT SCHOOLS OF PUBLIC HEALTH AND SCHOOLS OF ALLIED HEALTH.—Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended by adding at the end the following:

''SEC. 742. COOPERATIVE AGREEMENTS FOR ONLINE DEGREE PROGRAMS.

''(a) COOPERATIVE AGREEMENTS.—The Secretary shall award cooperative agreements to accredited schools of public health, schools of allied health, and public health programs to design and implement a degree program over the Internet (referred to in this section as an 'online degree program').

''(b) APPLICATION.—To be eligible to receive a cooperative agreement under subsection (a), an accredited school of public health, school of allied health, or public health program shall submit an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) PRIORITY.—In awarding cooperative agreements under this section, the Secretary shall give priority to any accredited school of public health, school of allied health, or public health program that serves a disproportionate number of individuals from racial and ethnic minority and other health disparity populations.

''(d) REQUIREMENTS.—Awardees shall use an award under subsection (a) to design and implement an online degree program that meets the following conditions:

''(1) Limiting enrollment to individuals who have obtained a secondary school diploma or a recognized equivalent.

''(2) Maintaining significant enrollment and graduation of underrepresented minorities in health professions.''.

(c) DEFINITION.—Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended by inserting after the part heading the following:

''SEC. 735A. APPLICATION OF DEFINITION.

''The definition contained in section 738(b)(5) shall apply for purposes of this part, except that such definition shall also apply in the case of references to 'underrepresented minority students', 'underrepresented minority faculty members', 'underrepresented minority faculty administrators', and 'underrepresented minorities in health professions'.''.

SEC. 104. MID-CAREER HEALTH PROFESSIONS SCHOLARSHIP PROGRAM.

Subpart 2 of part E of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is amended—

(1) in section 770, by inserting ''(other than section 771)'' after ''this subpart'';

(2) by redesignating section 770 as section 771; and

(3) by inserting after section 769 the following:

''SEC. 770. MID-CAREER HEALTH PROFESSIONS SCHOLARSHIP PROGRAM.

''(a) IN GENERAL.—The Secretary may make grants to eligible schools to award scholarships to eligible individuals to attend the school involved, for the purpose of enabling the individuals to make a career change from a non-health profession to a health profession.

''(b) APPLICATION.—To receive a grant under this section, an eligible school shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—Amounts awarded as a scholarship under this section may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in the attendance of the school involved.

''(d) DEFINITIONS.—In this section:

''(1) ELIGIBLE SCHOOL.—The term 'eligible school' means an accredited school of medicine, osteopathic medicine, dentistry, nursing, pharmacy, podiatric medicine, optometry, veterinary medicine, public health, chiropractic, allied health, a school offering a graduate program in behavioral and mental health practice, or an entity providing programs for the training of physician assistants.

''(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who is an underrepresented minority individual who has obtained a secondary school diploma or its recognized equivalent.''.

SEC. 105. CULTURAL COMPETENCY TRAINING.

Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.), as amended by section 104, is amended by adding at the end the following:

''SEC. 743. CULTURAL COMPETENCY TRAINING.

''(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in collaboration with the Office of Minority Health and Health Disparity Elimination and Agency for Healthcare Research and Quality, shall support the development, evaluation, and dissemination of model curricula for cultural competency training for use in health professions schools and continuing education programs, and other purposes determined appropriate by the Secretary.

''(b) CURRICULA.—In carrying out subsection (a), the Secretary shall collaborate with health professional societies, licensing and accreditation entities, health professions schools, and experts in minority health and cultural competency, and other organizations as determined appropriate by the Secretary. Such curricula shall include a focus on cultural competency measures and cultural competency self-assessment methodology for health providers, systems and institutions.

''(c) DISSEMINATION.—

''(1) IN GENERAL.—Such model curricula should be disseminated through the Internet Clearinghouse under section 270 and other means as determined appropriate by the Secretary.

''(2) EVALUATION.—The Secretary shall evaluate adoption and the implementation of cultural competency training curricula, and facilitate inclusion of cultural competency measures in quality measurement systems as appropriate.''.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS; REAUTHORIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) such sums as may be necessary for each of fiscal years 2007 through 2011, to carry out the amendments made by sections 101 and 102 of this title (adding sections 270 and 793 to the Public Health Service Act);

(2) $45,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011, to carry out the amendments made by section 103(a) (relating to centers of excellence in section 736 of the Public Health Service Act);

(3) such sums as may be necessary for each of fiscal years 2007 through 2011, to carry out the amendments made by section 103(b) (adding section 742 to the Public Health Service Act);

(4) such sums as may be necessary for each of fiscal years 2007 through 2011, to carry out the amendments made by section 104(b) (adding section 770 to the Public Health Service Act); and

(5) such sums as may be necessary for each of fiscal years 2007 through 2011, to carry out the amendment made by section 105 (adding section 743 to the Public Health Service Act).

(b) REAUTHORIZATIONS.—The following programs are reauthorized as follows:

(1) EDUCATIONAL ASSISTANCE IN THE HEALTH PROFESSIONS REGARDING INDIVIDUALS FROM DISADVANTAGED BACKGROUND.—Section 740(c) of the Public Health Service Act (42 U.S.C. 293a(c)) is amended by striking the first sentence and inserting the following: ''For the purpose of grants and contracts under section 739(a)(1), there is authorized to be appropriated $60,000,000 for fiscal year 2007 and such sums as may be necessary for each of fiscal years 2008 through 2011.''.

(2) SCHOLARSHIPS FOR DISADVANTAGED STUDENTS.—Section 740(a) of the Public Health Service Act (42 U.S.C. 293a(a)) is amended by striking ''$37,000,000'' and all that follows through ''through 2002'' and inserting ''$51,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011''.

(3) LOAN REPAYMENTS AND FELLOWSHIPS.—Section 740(b) of the Public Health Service Act (42 U.S.C. 293a(b)) is amended by striking ''$1,100,000'' and all that follows through ''through 2002'' and inserting ''$1,700,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011''.

(4) GRANTS FOR HEALTH PROFESSIONS EDUCATION.—Section 741 of the Public Health Service Act (42 U.S.C. 293e) is amended in

subsection (b), by striking ''$3,500,000'' and all that follows through the period and inserting ''such sums as may be necessary for each of fiscal years 2007 through 2011.''.

TITLE II—CARE AND ACCESS

SEC. 201. CARE AND ACCESS.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by—

(1) redesignating the second section 339O (as added by section 504 of the Violence Against Women and Department of Justice Reauthorization Act of 2005) as section 399P; and

(2) adding at the end the following:

''SEC. 399Q. ACCESS, AWARENESS, AND OUTREACH ACTIVITIES.

''(a) DEMONSTRATION PROJECTS.—The Secretary shall award multiyear contracts or competitive grants to eligible entities to support demonstration projects designed to improve the health and healthcare of racial and ethnic minority and other health disparity populations through improved access to healthcare, patient navigators, and health literacy education and services.

''(b) ELIGIBILITY.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means an organization or a community-based consortium.

''(2) ORGANIZATION.—The term 'organization' means—

''(A) a hospital, health plan, or clinic;

''(B) an academic institution;

''(C) a State health agency;

''(D) an Indian Health Service hospital or clinic, Indian tribal health facility, or urban Indian facility;

''(E) a nonprofit organization, including a faith-based organization or consortium, to the extent that a contract or grant awarded to such an entity is consistent with the requirements of section 1955;

''(F) a primary care practice-based research network; and

''(G) any other similar entity determined to be appropriate by the Secretary.

''(3) COMMUNITY-BASED CONSORTIUM.—The term 'community-based consortium' means a partnership that—

''(A) includes—

''(i) individuals who are representatives of organizations of racial and ethnic minority and other health disparity populations;

''(ii) community leaders and leaders of community-based organizations;

''(iii) healthcare providers, including providers who treat racial and ethnic minority and other health disparity populations; and

''(iv) experts in the area of social and behavioral science, who have knowledge, training, or practical experience in health policy, advocacy, cultural or linguistic competency, or other relevant areas as determined by the Secretary; and

''(B) is located within a federally- or State-designated medically underserved area, a federally designated health provider shortage area, or an area with a significant population of racial and ethnic minorities.

''(c) APPLICATION.—An eligible entity seeking a contract or grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including assurances that the eligible entity will—

''(1) target populations that are members of racial and ethnic minority groups and health disparity populations through specific outreach activities;

''(2) collaborate with appropriate community organizations and include meaningful community participation in planning, implementation, and evaluation of activities;

''(3) demonstrate capacity to promote culturally competent and appropriate care for target populations with consideration for health literacy;

''(4) develop a plan for long-term sustainability;

''(5) evaluate the effectiveness of activities under this section, within an appropriate timeframe, which shall include a focus on quality and outcomes performance measures to ensure that the activities are meeting the intended goals, and that the entity is able to disseminate findings from such evaluations;

''(6) provide ongoing outreach and education to the health disparity populations served;

''(7) demonstrate coordination between public and private entities; and

''(8) assist individuals and groups in accessing public and private programs that will help eliminate disparities in health and healthcare.

''(d) PRIORITIES.—In awarding contracts and grants under this section, the Secretary shall give priority to applicants that are—

''(1) safety-net hospitals, defined as hospitals with a low income utilization rate (as defined in Section 1923(b)(3) of the Social Security Act (42 U.S.C 1396r–4(b)(3))) greater than 25 percent;

''(2) community health centers, as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B)); and

''(3) other health systems that—

''(A) by legal mandate or explicitly adopted mission, provide patients with access to services regardless of their ability to pay;

''(B) provide care or treatment for a substantial number of patients who are uninsured, are receiving assistance under a State program under title XIX of the Social Security Act, or are members of vulnerable populations, as determined by the Secretary;

''(C) serve a disproportionate percentage of patients from racial and ethnic minority and other health disparity populations;

''(D) provide an assurance that amounts received under the grant or contract will be used to implement strategies that address patients' linguistic needs, where necessary, and recruit and maintain diverse staff and leadership; and

''(E) provide an assurance that amounts received under the grant or contract will be used to support quality improvement activities for patients from racial and ethnic minority and other health disparity populations.

''(e) USE OF FUNDS.—An eligible entity shall use such amounts received under this section for demonstration projects to—

''(1) address health disparities in the United States-Mexico Border Area, as defined in section 8 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n–6), relating to health disparities in the areas of—

''(A) maternal and child health;

''(B) primary care and preventive health, including health education and promotion;

''(C) public health and public infrastructure;

''(D) oral health;

''(E) behavioral and mental health and substance abuse;

''(F) health conditions that have a disproportionate impact on racial and ethnic minorities and a high prevalence in the Border Area;

''(G) health services research;

''(H) the health impacts of exposure to environmental hazards;

''(I) workforce training and development; or

''(J) other areas determined appropriate by the Secretary;

''(2) implement the best practices in disease management, including those that address co-occurring chronic conditions, as defined by the public- private partnership established under section 918(b), target patients with low functional health literacy, and, as feasible, incorporate health information technology;

''(3) evaluate methods for strengthening the health coverage of, and continuity of coverage of, migratory agricultural workers and seasonal agricultural workers, as such terms are defined in section 330(g), and workers in other industries with traditionally low rates of employer-sponsored health insurance;

''(4) train community health workers to educate, guide, and provide outreach in a community setting regarding problems prevalent among medically underserved populations (as defined in section 330(b)); or

''(5) identify, educate, and enroll eligible patients from racial and ethnic minorities and other health disparity populations into clinical trials.

''(f) REPORT.—Not later than 3 years after the date an entity receives a contract or grant under this section and annually thereafter, the entity shall provide to the Secretary a report containing the results of any evaluation conducted pursuant to subsection (c)(5).

''(g) DISSEMINATION OF FINDINGS.—The Secretary shall, as appropriate, disseminate to public and private entities, including Congress, the findings made in evaluations described under subsection (f).

''SEC. 399R. GRANTS FOR RACIAL AND ETHNIC APPROACHES TO COMMUNITY HEALTH.

''(a) PURPOSE.—It is the purpose of this section to provide for the awarding of grants to assist communities in mobilizing and organizing resources in support of effective and sustainable programs that will reduce or eliminate disparities in health and healthcare experienced by racial and ethnic minority individuals.

''(b) AUTHORITY TO AWARD GRANTS.—The Secretary, acting through the Centers for Disease Control and Prevention and the Office of Minority Health and Health Disparity Elimination, shall award planning, implementation, and evaluation grants to eligible entities to assist in designing, implementing, and evaluating culturally and linguistically appropriate, science-based and community-driven sustainable strategies to eliminate racial and ethnic health and healthcare disparities.

''(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

''(1) represent a coalition—

''(A) whose principal purpose is to develop and implement interventions to reduce or eliminate a health or healthcare disparity in a targeted racial or ethnic minority group in the community served by the coalition; and

''(B) that includes—

''(i) at least 3 members selected from among—

''(I) public health departments;

''(II) community-based organizations;

''(III) university and research organizations;

''(IV) American Indian tribal organizations, national American Indian organizations, Indian Health Service, or organizations serving Alaska Natives;

''(V) organizations serving Native Hawaiians;

''(VI) organizations serving Pacific Islanders; and

''(VII) interested public or private healthcare providers or organizations as deemed appropriate by the Secretary; and

''(ii) at least 1 member from a community-based organization that represents the targeted racial or ethnic minority group; and

''(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, which shall include—

''(A) a description of the targeted racial or ethnic population in the community to be served under the grant;

''(B) a description of at least 1 health disparity that exists in the racial or ethnic targeted population, including infant mortality, breast and cervical cancer screening and management, cardiovascular disease, diabetes, child and adult immunization levels, or HIV/AIDS; and

''(C) a demonstration of a proven record of accomplishment of the coalition members in serving and working with the targeted community.

''(d) PLANNING GRANTS.—

''(1) IN GENERAL.—The Secretary shall award one-time grants to eligible entities described in subsection (c) to support the planning and development of culturally and linguistically appropriate programs that utilize science-based and community-driven strategies to reduce or eliminate a health or healthcare disparity in the targeted population. Such grants may be used to—

''(A) expand the coalition that is represented by the eligible entity through the identification of additional partners, particularly among the targeted community, and establish linkages with national, State, tribal, or local public and private partners which may include community health workers, advocacy, and policy organizations;

''(B) establish community working groups;

''(C) conduct a needs assessment of the community and targeted population to determine a health disparity and the factors contributing to that disparity, using input from the targeted community;

''(D) participate in workshops sponsored by the Office of Minority Health and Health Disparity Elimination or the Centers for Disease Control and Prevention for technical assistance, planning, evaluation, and other programmatic issues;

''(E) identify promising intervention strategies; and

''(F) develop a plan with the input of the targeted community that includes strategies for—

''(i) implementing intervention strategies that have the greatest potential for reducing the health disparity in the target population;

''(ii) identifying other sources of revenue and integrating current and proposed funding sources to ensure long-term sustainability of the program; and

''(iii) evaluating the program, including collecting data and measuring progress toward reducing or eliminating the health disparity in the targeted population that takes into account the evaluation model developed by the Centers for Disease Control and Prevention in collaboration with the Office of Minority Health and Health Disparity Elimination.

''(2) DURATION.—The period during which payments may be made under a grant under paragraph (1) shall not exceed 1 year, except where the Secretary determines that extraordinary circumstances exist as described in section 340(c)(3).

''(e) IMPLEMENTATION GRANTS.—

''(1) IN GENERAL.—The Secretary shall award grants to eligible entities that have received a planning grant under subsection (d) to enable such entity to—

''(A) implement a plan to address the selected health disparity for the target population, in an effective and timely manner;

''(B) collect data appropriate for monitoring and evaluating the program carried out under the grant;

''(C) analyze and interpret data, or collaborate with academic or other appropriate institutions, for such analysis and collection;

''(D) participate in conferences and workshops for the purpose of informing and educating others regarding the experiences and lessons learned from the project;

''(E) collaborate with appropriate partners to publish the results of the project for the benefit of the public health community;

''(F) establish mechanisms with other public or private groups to maintain financial support for the program after the grant terminates; and

''(G) maintain relationships with local partners and continue to develop new relationships with national and State partners.

''(2) DURATION.—The period during which payments may be made under a grant under paragraph (1) shall not exceed 4 years. Such payments shall be subject to annual approval by the Secretary and to the availability of appropriations for the fiscal year involved.

''(f) EVALUATION GRANTS.—

''(1) IN GENERAL.—The Secretary may award grants to eligible entities that have received an implementation grant under subsection (e) that require additional assistance for the purpose of rigorous data analysis, program evaluation (including process and outcome measures), or dissemination of findings.

''(2) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to—

''(A) entities that in previous funding cycles—

''(i) have received a planning grant under subsection (d); or

''(ii) implemented activities of the type described in subsection (e)(1); and

''(B) entities that incorporate best practices or build on successful models in their action plan, including the use of community health workers.

''(g) SUSTAINABILITY.—The Secretary shall give priority to an eligible entity under this section if the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the activities for which the grant was awarded, the entity (and each of the participating partners in the coalition represented by the entity) will maintain its expenditures of non-Federal funds for such activities at a level that is not less than the level of such expenditures during the fiscal year immediately preceding the first fiscal year for which the grant is awarded.

''(h) NONDUPLICATION.—Funds provided through this grant program should supplement, not supplant, existing Federal funding, and the funds should not be used to duplicate the activities of the other health disparity grant programs in this Act.

''(i) TECHNICAL ASSISTANCE.—The Secretary may, either directly or by grant or contract, provide any entity that receives a grant under this section with technical and other nonfinancial assistance necessary to meet the requirements of this section.

''(j) DISSEMINATION.—The Secretary shall enable grantees to share best practices, evaluation results, and reports using the Internet, conferences, and other pertinent information regarding the projects funded by this section, including the outreach efforts of the Office of Minority Health and Health Disparity Elimination.

''(k) ADMINISTRATIVE BURDENS.—The Secretary shall make every effort to minimize duplicative or unnecessary administrative burdens on grantees.

''SEC. 399S. GRANTS FOR HEALTH DISPARITY COLLABORATIVES.

''(a) PURPOSE.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants to eligible entities to assist in implementing systems of primary care practices through which to eliminate disparities in the delivery of healthcare and improve the healthcare provided to all patients.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

''(1) be a federally qualified health center as defined in section 1905(l)(2)(B) of the Social Security Act with the ability to establish and lead a collaborative partnership; and

''(2) submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, which shall include plans to implement collaboratives in one or more of the following areas:

''(A) Diabetes.

''(B) Asthma.

''(C) Depression.

''(D) Cardiovascular disease.

''(E) Cancer.

''(F) Preventive health, including screenings.

''(G) Perinatal health.

''(H) Patient safety.

''(I) Other areas as designated by the Secretary.

''(c) NONDUPLICATION.—Funds provided through this grant program should supplement, not supplant, existing Federal funding, and the funds should not be used to duplicate the activities of the other health disparity grant programs in this Act.

''(d) TECHNICAL ASSISTANCE.—The Secretary may, either directly or by grant or contract, provide any entity that receives a grant under this section with technical and other nonfinancial assistance necessary to meet the requirements of this section.

''(e) ADMINISTRATIVE BURDENS.—The Secretary shall make every effort to minimize duplicative or unnecessary administrative burdens on grantees.

''SEC. 399T. COMMUNITY HEALTH INITIATIVES.

''(a) PURPOSE.—The Secretary shall establish the Community Health Initiative demonstration program to support comprehensive State, tribal, or local initiatives to improve the health of racial and ethnic minority and other health disparity populations.

''(b) COMMUNITY HEALTH INITIATIVE PROGRAM.—

''(1) IN GENERAL.—The Secretary shall award Community Health Initiative Program grants to State and local public health agencies of eligible communities. Each grant shall be funded for 5 years.

''(2) ELIGIBLE COMMUNITIES.—

''(A) IDENTIFICATION.—The Secretary shall develop, after opportunity for public review and comment, and implement a metric for identifying and notifying eligible communities pursuant to subparagraph (B), and report such findings to Congress and the public.

''(B) ELIGIBILITY.—Eligible communities shall be communities that are most at risk, or at greatest disproportionate risk, for adverse health outcomes, as measured by—

''(i) overall burden of disease and health conditions;

''(ii) accessibility to and availability of health and economic resources;

''(iii) proportion of individuals from racial and ethnic minority and other health disparity populations; and

''(iv) other factors as determined appropriate by the Secretary.

''(3) AGENCY COLLABORATION.—The Secretary, in collaboration with the Deputy Assistant Secretary for Minority Health and Health Disparity Elimination, the Director of the Centers for Disease Control and Prevention, the Administrator of the Health Resources and Services Administration, the Director of the Indian Health Service, and

heads of other Federal agencies as appropriate, shall determine, with respect to the Community Health Initiative Program—

''(A) core goals, objectives and reasonable timelines for implementing, evaluating and sustaining comprehensive and effective health and healthcare improvement activities in eligible communities;

''(B) current programmatic and research initiatives in which eligible communities may participate;

''(C) existing agency resources that can be targeted to eligible communities; and

''(D) mechanisms to facilitate joint application, or establish a common application, to multiple grant programs, as appropriate.

''(4) APPLICATIONS.—

''(A) IN GENERAL.—The State and local public health agencies of eligible communities shall jointly submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including a strategic plan that shall—

''(i) describe the proposed activities pursuant to paragraph (5);

''(ii) report the extent to which local institutions and organizations and community residents have participated in the strategic plan development;

''(iii) identify established public-private partnerships, and State, local, and private resources that will be available;

''(iv) identify Federal funding needed to support the proposed activities; and

''(v) report the baselines, methods, and benchmarks for measuring the success of activities proposed in the strategic plan.

''(B) COMMUNITY ADVISORY BOARD.—

''(i) IN GENERAL.—In order to receive a Community Health Initiative Program grant under this section, an eligible community shall have a community advisory board.

''(ii) MEMBERS.—

''(I) COMMUNITY.—The majority of the members of a community advisory board under clause (i) shall be individuals that will benefit from the activities or services provided by the grants under this section.

''(II) REPRESENTATIVES.—A community advisory board shall include representatives from the State health department and county or local health department, community-based organizations, environmental and public health experts, healthcare professionals and providers, nonprofit leaders, community organizers, elected officials, private payers, employers, and consumers.

''(iii) DUTIES.—A community advisory board shall—

''(I) oversee the functions and operations of Community Health Initiative Program grant activities;

''(II) assist in the evaluation of such activities; and

''(III) prepare an annual report that describes the progress made towards achieving stated goals and recommends future courses of action.

''(5) USE OF FUNDS.—An eligible community that receives a grant under this section shall use the funding to support activities to achieve stated core goals and objectives, pursuant to paragraph (3), which may include initiatives that—

''(A) promote disease prevention and health promotion, particularly for racial and ethnic minority and other health disparity populations;

''(B) facilitate partnerships between healthcare providers, public and health agencies, academic institutions, community based or advocacy organizations, elected officials, professional societies, and other stakeholder groups;

''(C) enhance the local capacity for aggregated and disaggregated health data collection and reporting;

''(D) coordinate and integrate community-based activities including education, city planning, transportation initiatives, environmental changes, and other related activities at the local level that help improve public health and address health concerns;

''(E) mobilize financial and other resources from the public and private sector to increase local capacity to address health issues;

''(F) support the training of staff in communication and outreach to the general public, particularly those at disproportionate risk for health and healthcare disparities;

''(G) assist eligible communities in meeting Healthy People 2010 objectives; and

''(H) aid eligible communities in providing employment, and cultural and recreational resources that enable healthy lifestyles.

''(6) EVALUATION.—The Secretary, directly or through contract, shall conduct and report an evaluation of the Community Health Initiative Program that shall be available to the public.

''(7) SUPPLEMENT NOT SUPPLANT.—Grant funds received under this section shall be used to supplement, and not supplant, funding that would otherwise be used for activities described under this section.

''SEC. 399U. OUTREACH.

''(a) IN GENERAL.—The Secretary, in collaboration with the Office for Minority Health and Health Disparity Elimination, the Centers for Medicare and Medicaid Services, and the Health Resources and Services Administration, shall establish a grant program to improve outreach, participation, and enrollment by eligible entities with respect to available healthcare programs.

''(b) ELIGIBILITY.—In this section, the term 'eligible entity' means any of the following:

''(1) A State or local government.

''(2) A Federal health safety net organization.

''(3) A national, local, or community-based public or nonprofit private organization.

''(4) A faith-based organization or consortia, to the extent that a grant awarded to such an entity is consistent with the requirements of section 1955 relating to a grant award to nongovernmental entities.

''(5) An elementary or secondary school.

''(c) DEFINITION.—In this section:

''(1) FEDERAL HEALTH SAFETY NET ORGANIZATION.—The term 'Federal health safety net organization' means—

''(A) an Indian tribe, tribal organization, or an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.), or an Indian Health Service provider;

''(B) a Federally-qualified health center (as defined in section 330);

''(C) a hospital defined as a disproportionate share hospital;

''(D) a covered entity described in section 340B(a)(4); and

''(E) any other entity or a consortium that serves children under a federally funded program, including the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the head start and early head start programs under the Head Start Act (42 U.S.C. 9831 et seq.), the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), and an elementary or secondary school.

''(2) INDIANS; INDIAN TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian tribe', 'tribal organization', and 'urban Indian organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

''(d) PRIORITY FOR AWARD OF GRANTS.—

''(1) IN GENERAL.—In making grants under subsection (a), the Secretary shall give priority to—

''(A) eligible entities that propose to target geographic areas with high rates of—

''(i) eligible but unenrolled children, including such children who reside in rural areas; or

''(ii) racial and ethnic minorities and health disparity populations, including those proposals that address cultural and linguistic barriers to enrollment; and

''(B) eligible entities that plan to engage in outreach efforts with respect to individuals described in subparagraph (A) and that are—

''(i) Federal health safety net organizations; or

''(ii) faith-based organizations or consortia.

''(2) TEN PERCENT SET ASIDE FOR OUTREACH TO INDIAN CHILDREN.—An amount equal to 10 percent of the funds appropriated under section 202(3) of the Minority Health Improvement and Health Disparity Elimination Act to carry out this section for a fiscal year shall be used by the Secretary to award grants to Indian Health Service providers and urban Indian organizations receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) for outreach to, and enrollment of, children who are Indians.''.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) such sums as may be necessary for each of fiscal years 2007 through 2011, to carry out section 399Q of the Public Health Service Act (as added by section 201);

(2) $52,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011, to carry out section 399R of the Public Health Service Act (as added by section 201); and

(3) such sums as necessary for each of fiscal years 2007 through 2011, to carry out sections 399S, 399T, and 399U of the Public Health Service Act (as added by section 201).

TITLE III—RESEARCH

SEC. 301. AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.

Part B of title IX of the Public Health Service Act (42 U.S.C. 299b et seq.) is amended by adding at the end the following:

''SEC. 918. ENHANCED RESEARCH WITH RESPECT TO HEALTHCARE DISPARITIES.

''(a) ACCELERATING THE ELIMINATION OF DISPARITIES.—

''(1) STRATEGIC PLAN.—The Secretary, acting through the Director, and in collaboration with the Deputy Assistant Secretary for Minority Health and Health Disparity Elimination, shall develop a strategic plan regarding research supported by the agency to improve healthcare and eliminate healthcare disparities among racial and ethnic minority and other health disparity populations. In developing such plan, the Secretary shall—

''(A) determine which areas of research focus would have the greatest impact on healthcare improvement and elimination of disparities, taking into consideration the overall health status of various populations, disproportionate burden of diseases or health conditions, and types of interventions for which data on effectiveness is limited;

''(B) establish measurable goals and objectives which will allow assessment of progress;

''(C) solicit public review and comment from experts in healthcare, minority health and health disparities, health services research, and other areas as determined appropriate by the Secretary;

''(D) incorporate recommendations from the Institute of Medicine, pursuant to section 303 of the Minority Health Improvement and Health Disparity Elimination Act, as appropriate;

''(E) complete such plan within 12 months of enactment of the Minority Health Improvement and Health Disparity Elimination Act, and update such plan and report on progress meeting established goals and objectives not less than every 2 years;

''(F) include progress meeting plan goals and objectives in annual performance budget submissions;

''(G) ensure coordination and integration with the National Plan to Improve Minority Health and Eliminate Health Disparities, as described in section 1707(c) and other Department-wide initiatives, as feasible; and

''(H) report the plan to the Congress and make available to the public in print and electronic format.

''(2) ESTABLISHMENT OF GRANTS.—The Secretary, acting through the Director, and in collaboration with the Deputy Assistant Secretary for Minority Health and Health Disparity Elimination, may award grants or contracts to eligible entities for research to improve the health of racial and ethnic minority and other health disparity populations (as defined in section 903(d)).

''(3) APPLICATION; ELIGIBLE ENTITIES.—

''(A) APPLICATION.—To receive a grant or contract under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(B) ELIGIBLE ENTITIES.—To be eligible to receive a grant or contract under this section, an entity shall be a health center, hospital, health plan, health system, community clinic, or other health entity determined appropriate by the Secretary, that—

''(i) by legal mandate or explicitly adopted mission, provides patients with access to services regardless of their ability to pay;

''(ii) provides care or treatment for a substantial number of patients who are uninsured, are receiving assistance under a State program under title XIX of the Social Security Act, or are members of vulnerable populations, as determined by the Secretary;

''(iii) serves a disproportionate percentage of patients from racial and ethnic minority and other health disparity populations;

''(iv) provides an assurance that amounts received under the grant or contract will be used to implement strategies that address patients' linguistic needs, where necessary, and recruit and maintain diverse staff and leadership; and

''(v) provides an assurance that amounts received under the grant or contract will be used to support quality improvement activities for patients from racial and ethnic minority and other health disparity populations.

''(C) PREFERENCE.—Consortia of 3 or more eligible entities shall be given a preference for grant or contract funding.

''(4) RESEARCH.—The research funded under paragraph (2), with respect to racial and ethnic minority and other health disparity populations, shall—

''(A) prioritize the translation of existing research into practical interventions for improving health and healthcare and reducing disparities;

''(B) target areas of need as identified in the strategic plan pursuant to subsection (a)(1), the National Healthcare Disparities Report published by the Agency for Healthcare Research and Quality, relevant reports by the Institute of Medicine, and other reports issued by Federal health agencies;

''(C) include a focus on community-based solutions and partnerships as appropriate;

''(D) expand practice-based research networks (primary care and larger delivery systems) to include networks of delivery sites serving large numbers of minority and health disparity populations including—

''(i) public hospitals and private non-profit hospitals;

''(ii) health centers;

''(iii) health plans; and

''(iv) other sites as determined appropriate by the Director.

''(5) DISSEMINATION OF RESEARCH FINDINGS.—To ensure that findings from the research described in paragraph (4) are disseminated and applied promptly, the Director shall—

''(A) develop outreach and training programs for healthcare providers with respect to the practical and effective interventions that result from research programs carried out with grants or contracts awarded under this section; and

''(B) provide technical assistance for the implementation of evidence-based practices that will improve health and healthcare and reduce disparities.

''(b) REALIZING THE POTENTIAL OF DISEASE MANAGEMENT.—

''(1) PUBLIC-PRIVATE SECTOR PARTNERSHIP TO ASSESS EFFECTIVENESS OF EXISTING DISEASE MANAGEMENT STRATEGIES.—

''(A) IN GENERAL.—The Secretary shall establish a public-private partnership to identify, evaluate, and disseminate effective disease management strategies, tailored to improve healthcare and health outcomes for patients from racial and ethnic minority and other health disparity populations. Such strategies shall reflect established healthcare quality standards and benchmarks and other evidence-based recommendations.

''(B) PARTNERSHIP COMPOSITION.—The partnership's members shall include the following:

''(i) Representatives from the following:

''(I) The Office of Minority Health and Health Disparity Elimination.

''(II) The Centers for Disease Control and Prevention.

''(III) The Agency for Healthcare Research and Quality.

''(IV) The Centers for Medicare and Medicaid Services.

''(V) The Health Resources and Services Administration.

''(VI) The Indian Health Service.

''(VII) Other agencies as designated by the Secretary.

''(ii) Representatives of health plans, employers, or other private entities that have implemented disease management programs.

''(iii) Representatives of hospitals, community health centers, large, small, or solo provider groups, or other organizations that provide healthcare and have implemented disease management programs.

''(iv) Community-based representatives who have been involved with establishing, implementing, or evaluating disease management programs.

''(v) Other individuals as designated by the Secretary.

''(C) PARTNERSHIP DUTIES.—

''(i) IN GENERAL.—Not later than 18 months after the date of enactment of the Minority Health Improvement and Health Disparity Elimination Act, the partnership shall release a best practices report, with a particular focus on the following:

''(I) Self-management training.

''(II) Increasing patient participation in and satisfaction with healthcare encounters.

''(III) Helping patients use quality performance and cost information to choose appropriate healthcare providers for their care.

''(IV) Interventions outside of a traditional healthcare environment, including the workplace, school, community, or home.

''(V) Interventions utilizing community health workers and case managers.

''(VI) Interventions that implement integrated disease management and treatment strategies to address multiple chronic co-occurring conditions.

''(VII) Other interventions as identified by the Secretary.

''(2) REPORT.—

''(A) IN GENERAL.—Not later than September 30, 2010, the partnership shall submit to the Secretary and the relevant committees of Congress a report that describes the extent to which the activities and research funded under this section have been successful in reducing and eliminating disparities in health and healthcare in targeted populations.

''(B) AVAILABILITY.—The Secretary shall ensure that the report is made available on the Internet websites of the Office of Minority Health and Health Disparity Elimination, the Agency for Healthcare Research and Quality, and other agencies as appropriate.''.

SEC. 302. GENETIC VARIATION AND HEALTH.

(a) IN GENERAL.—The Secretary shall ensure that any current, proposed, or future research and programmatic activities regarding genomics include focus on genetic variation within and between populations, with a focus on racial and ethnic minority populations, that may affect risk of disease or response to drug therapy and other treatments, in order to ensure that all populations are able to derive full benefit from genomic tests and treatments that may improve their health and healthcare. The Secretary shall encourage, with respect to racial and ethnic minority populations, efforts to—

(1) increase access, availability, and utilization of genomic tests and treatments;

(2) determine and monitor appropriateness of use of genomic tests and treatments;

(3) increase awareness of the importance of knowing one's family history and the relationships between genes, the social and physical environment, and health; and

(4) expand genomics research that would help to—

(A) improve tests to facilitate earlier and more accurate diagnoses;

(B) enhance the safety of drugs, particularly for drugs that pose an elevated risk for adverse drug events in such populations;

(C) increase the effectiveness of drugs, particularly for diseases and conditions that disproportionately affect such populations; and

(D) augment the current understanding of the interactions between genomic, social and physical environmental factors and their influence on the causality, prevention, and treatment of diseases common in such populations.

(b) GENETIC VARIATION, ENVIRONMENT, AND HEALTH SUMMIT.—

(1) SUMMIT.—Not later than 1 year after the date of enactment of this Act, the Director of the National Human Genome Research Institute, in collaboration with the Director of the Office of Genomics and Disease Prevention at the Centers for Disease Control and Prevention, the Director of the Office of Behavioral and Social Science Research at the National Institutes of Health, and the Deputy Assistant Secretary of the Office of Minority Health and Health Disparity Elimination, shall convene a Summit for the purpose of providing leadership and guidance to Secretary, Congress, and other public and private entities on current and future areas of focus for genomics research, including translation of findings from such research, relating to improving the health of racial and ethnic minority populations and reducing health disparities.

(2) PARTICIPATION.—The Summit shall include—

(A) representatives from the Federal health agencies, including the National Institutes of Health, the Centers for Disease Control and Prevention, the Food and Drug Administration, the Health Resources and Services Administration, and additional agencies and departments as determined appropriate by the Secretary;

(B) independent experts and stakeholders from relevant industry and academic institutions, particularly those that have demonstrated expertise in both genomics and minority health and serve a disproportionate number of racial and ethnic minority patients; and

(C) leaders of community organizations that work to reduce and eliminate health disparities.

(3) REPORT.—Not later than 90 days after the conclusion of the Summit, the Director of the National Human Genome Research Institute shall submit to Congress and make available to the public a report detailing recommendations on—

(A) an appropriate description of human diversity, incorporating available information on genetics, for use in genomic research and programs operated or supported by the Federal Government;

(B) guiding ethics, principles, and protocols for the inclusion and designation of racial and ethnic minority populations in genomics research, particularly clinical trials programs operated or supported by the Federal Government;

(C) ways to increase access to and utilization of effective pharmacogenomic and other genetic screening and services for racial and ethnic minority populations;

(D) research opportunities and funding support in the area of genomic variation that may improve the health and healthcare of minority populations;

(E) ways to enhance integration of Federal Government-wide efforts and activities pertaining to race, genomics, and health; and

(F) need for additional privacy protections in preventing stigmatization and inappropriate use of genetic information.

(c) PHARMACOGENOMICS AND EMERGING ISSUES ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Secretary, under section 222 of the Public Health Service Act (42 U.S.C. 217a), shall convene and consult an advisory committee on issues relating to pharmacogenomics (referred to in this subsection as the ''Advisory Committee'').

(2) DUTIES.—

(A) IN GENERAL.—The Advisory Committee shall advise and make recommendations to the Secretary, through the Commissioner of Food and Drugs and in consultation with the Director of the National Institutes of Health, on the evolving science of pharmacogenomics and interindividual variability in drug response, as it relates to the health of racial and ethnic minorities.

(B) MATTERS CONSIDERED.—The recommendations under subparagraph (A) shall include recommendations on—

(i) the ethics, design, and analysis of clinical trials involving racial and ethnic minorities conducted under section 351, 409I, or 499 of the Public Health Service Act or section 505(i), 505A, 505B, or 515(g) of the Federal Food, Drug, and Cosmetic Act;

(ii) general policy and guidance with respect to the development, approval or clearance, and labeling of medical products for racial and ethnic minorities;

(iii) the role of pharmacogenomics during the development of drugs, biological products, and diagnostics;

(iv) the understanding of interindividual variability in drug response;

(v) diagnostics or treatments for diseases or conditions common in racial and ethnic minorities; and

(vi) the identification of other areas of unmet medical need.

(3) COMPOSITION.—The Advisory Committee shall include—

(A) experts in the fields of—

(i) minority health and health disparities;

(ii) genomics;

(iii) pharmaceutical and diagnostic research and development;

(iv) ethical, legal, and social issues relating to clinical trials; and

(v) bioinformatics and information technology;

(B) representatives from minority health organizations and relevant patient organizations; and

(C) other experts as deemed appropriate by the Secretary.

(4) COORDINATION WITH OTHER ADVISORY COMMITTEES.—The Advisory Committee may consult and coordinate with other advisory committees of the Department of Health and Human Services as determined appropriate by the Secretary.

(5) RECOMMENDATIONS.—The Advisory Committee shall submit recommendations to the Secretary with respect to each of the matters described under paragraph (2)(B) prior to the development by the Secretary of the report described under paragraph (6).

(6) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary—

(A) shall, acting through the Commissioner of Food and Drugs and in consultation with the Director of the National Institutes of Health, and taking into consideration the recommendations of the Advisory Committee submitted under paragraph (5), submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report on the evolving science of pharmacogenomics as it relates to racial and ethnic minorities, including a review of the guidance of the Food and Drug Administration on the participation of racial and ethnic minorities in clinical trials; and

(B) shall ensure that such report is made publicly available.

SEC. 303. EVALUATIONS BY THE INSTITUTE OF MEDICINE.

(a) HEALTH DISPARITIES SUMMIT.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Institute of Medicine shall convene a summit on health disparities (referred to this section as the ''Summit'').

(2) PURPOSE.—The purposes of the Summit include—

(A) reviewing current activities of the Federal Government in addressing health and healthcare disparities as experienced by racial and ethnic minority populations, and other health disparity populations as practicable; and

(B) assessing progress made since the 2002 Institute of Medicine National Healthcare Disparities Report.

(3) AREAS OF FOCUS.—The Summit shall examine the activities of the Federal Government to reduce and eliminate health disparities, with a focus on—

(A) education and training, including health professions programs that increase minority representation in medicine and the health professions;

(B) data collection and analysis;

(C) coordination among agencies and departments in addressing healthcare disparities;

(D) research into the causes of and strategies to eliminate health disparities; and

(E) programs that increase access to care and improve health outcomes for health disparity populations.

(4) PARTICIPATION.—Summit participants shall include—

(A) representatives of the Federal Government;

(B) experts with research experience in identifying and addressing healthcare disparities among racial and ethnic minority and other health disparity populations; and

(C) representatives from community-based organizations and nonprofit groups that address the issues of racial and ethnic minority and other health disparity populations.

(5) SUMMIT PROCEEDINGS.—Not later than 180 days after the conclusion of the Summit, the Secretary shall offer to enter into a contract with the Institute of Medicine to publish a report summarizing the discussions of the Summit and review of current Federal activities to address healthcare disparities for racial and ethnic minority and other health disparity populations.

(b) NATIONAL PLAN TO ELIMINATE DISPARITIES.—

(1) PLAN.—Not later than 2 years after the date of enactment of this Act, the Institute of Medicine shall develop an evidence-based, strategic, national plan to eliminate disparities which shall—

(A) include goals, interventions, and resources needed to eliminate disparities;

(B) establish a reasonable timetable to reach selected priorities;

(C) inform and complement the National Plan to Improve Minority Health and Eliminate Health Disparities, pursuant to section 1707(c)(2) of the Public Health Service Act (as added by section 501 of this Act); and

(D) inform the development of criteria for evaluation of the effectiveness of programs authorized under this Act (and the amendments made by this Act), pursuant to subsection (c).

(2) REPORT.—The Secretary shall offer to enter into a contract with the Institute of Medicine to publish the National Plan to Eliminate Disparities.

(c) INSTITUTE OF MEDICINE EVALUATION.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall offer to enter into a contract with the Institute of Medicine to evaluate the effectiveness of the programs authorized under this Act (and the amendments made by this Act) in addressing and reducing health disparities experienced by racial and ethnic minority and other health disparity populations. In making such an evaluation, the Institute of Medicine shall consult—

(A) representatives of the Federal Government;

(B) experts with research and policy experience in identifying and addressing healthcare disparities among racial and ethnic minority and other health disparity populations; and

(C) representatives from community-based organizations and nonprofit groups that address health disparity issues.

(2) REPORT.—Not later than 2 years after the Secretary enters into the contract under paragraph (1), the Institute of Medicine shall submit to the Secretary and relevant committees of Congress a report that contains the results of the evaluation described under such subparagraph, and any recommendations of such Institute.

(3) RESPONSE.—Not later than 180 days after the date the Institute of Medicine submits the report under this subsection, the Secretary shall publish a response to such recommendations, which shall be provided to the relevant committees of Congress and made publicly available through the Internet Clearinghouse under section 270 of the Public Health Service Act (as added by section 101).

(d) HEALTH INFORMATION TECHNOLOGY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the

Secretary, acting through the Director of the National Library of Medicine, shall offer to enter into a contract with the Institute of Medicine to study and make recommendations regarding the use of health information technology and bioinformatics to improve the health and healthcare of racial and ethnic minority and other health disparity populations.

(2) STUDY.—The study under paragraph (1), with respect to increasing access and quality of healthcare for racial and ethnic minority and other health disparity populations, shall assess and make recommendations regarding—

(A) effective applications of health information technology, including telemedicine and telepsychiatry;

(B) status of development of health information technology standards that will permit healthcare information of the type required to support patient care;

(C) inclusion of organizations with expertise in minority health and health disparities in the development of health information technology standards and applications;

(D) priority areas for research to improve the dissemination, management, and use of biomedical knowledge that address identified and unmet needs;

(E) educational and training needs and opportunities to assist health professionals understand and apply health information technology; and

(F) ways to increase recruitment and retention of racial and ethnic minorities into the field of medical informatics.

(3) REPORT.—Not later than 2 years after the Secretary enters into the contract under paragraph (1), the Institute of Medicine shall submit to the Secretary and relevant committees of Congress a report that contains the findings and recommendations of this study.

SEC. 304. NATIONAL CENTER FOR MINORITY HEALTH AND HEALTH DISPARITIES REAUTHORIZATION.

Section 485E of the Public Health Service Act (42 U.S.C. 287c-31) is amended—

(1) by striking subsection (e) and inserting the following:

''(e) DUTIES OF THE DIRECTOR.—

''(1) INTERAGENCY COORDINATION OF MINORITY HEALTH AND HEALTH DISPARITIES ACTIVITIES.—With respect to minority health and health disparities, the Director of the Center shall plan, coordinate, and evaluate research and other activities conducted or supported by the agencies of the National Institutes of Health. In carrying out the preceding sentence, the Director of the Center shall evaluate the minority health and health disparity activities of each of such agencies and shall provide for the periodic reevaluation of such activities.

''(2) CONSULTATIONS.—The Director of the Center shall carry out this subpart (including developing and revising the plan and budget required in subsection (f)) in consultation with the Directors of the agencies (or a designee of the Directors) of the National Institutes of Health, with the advisory councils of the agencies, and with the advisory council established under section (j).

''(3) COORDINATION OF ACTIVITIES.—The Director of the Center shall act as the primary Federal official with responsibility for coordinating all minority health disparities research and other health disparities research conducted or supported by the National Institutes of Health and shall—

''(A) represent the health disparities research program of the National Institutes of Health including the minority health disparities research program at all relevant executive branch task forces, committees, and planning activities;

''(B) maintain communications with all relevant Public Health Service agencies, including the Indian Health Service and various other departments of the Federal Government, to ensure the timely transmission of information concerning advances in minority health disparities research and other health disparities research between these various agencies for dissemination to affected communities and healthcare providers; and

''(C) engage with community-based organizations and health provider groups to—

''(i) increase education and awareness about the Center's activities and areas of research focus; and

''(ii) accelerate the translation of research findings into programs including those carried out by community-based organizations.'';

(2) in subsection (f)—

(A) by striking the subsection heading and inserting the following:

''(f) COMPREHENSIVE PLAN FOR RESEARCH; BUDGET ESTIMATE; ALLOCATION OF APPROPRIATIONS.—'';

(B) in paragraph (1)—

(i) by striking the matter preceding subparagraph (A) and subparagraph (A) and inserting the following:

''(1) IN GENERAL.—Subject to the provisions of this section and other applicable law, the Director of the Center, in consultation with the Director of NIH, the Directors of the other agencies of the National Institutes of Health, and the advisory council established under subsection (j) shall—

''(A) annually review and revise a comprehensive plan (referred to in this section as 'the Plan') and budget for the conduct and support of all minority health and health disparities research and other health disparities research activities of the agencies of the National Institutes of Health;'';

(ii) in subparagraph (D), by striking '', with respect to amounts appropriated for activities of the Center,'';

(iii) by striking subparagraph (F) and inserting the following:

''(F) ensure that the Plan and budget are presented to and considered by the Director during the formulation of the overall annual budget for the National Institutes of Health;'';

(iv) by redesignating subparagraphs (G) and (H) as subparagraphs (I) and (J), respectively; and

(v) by inserting after subparagraph (F), the following:

''(G) annually submit to Congress a report on the progress made with respect to the Plan;

''(H) creating and implementing a plan for the systematic review of research activities supported by the National Institutes of Health that are within the mission of both the Center and other agencies of the National Institutes of Health, by establishing mechanisms for—

''(i) tracking minority health and health disparity research conducted within the agencies;

''(ii) the early identification of applications and proposals for grants, contracts, and cooperative agreements supporting extramural training, research, and development, that are submitted to the agencies and that are within the mission of the Center;

''(iii) providing the Center with the written descriptions and scientific peer review results of such applications and proposals;

''(iv) enabling the agencies to consult with the Director of the Center prior to final approval of such applications and proposals; and

''(v) reporting to the Director of the Center all such applications and proposals that are approved for funding by the agencies;''; and

(C) in paragraph (2)—

(i) in subparagraph (D), by striking ''and'' at the end;

(ii) in subparagraph (E), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(F) the number and type of personnel needs of the Center.'';

(3) in subsection (h)—

(A) in paragraph (1), by striking ''endowments at centers of excellence under section 736.'' and inserting the following: ''endowments at—

''(A) centers of excellence under section 736; and

''(B) centers of excellence under section 485F.''; and

(B) in paragraph (2)(A), by striking ''average'' and inserting ''median'';

(4) by redesignating subsections (k) and (l) as subsections (m) and (n), respectively;

(5) by inserting after subsection (j), the following:

''(k) REPRESENTATION OF MINORITIES AMONG RESEARCHERS.—The Secretary, in collaboration with the Director of the Center, shall determine the extent to which racial and ethnic minority and other health disparity populations are represented among senior physicians and scientists of the national research institutes and among physicians and scientists conducting research with funds provided by such institutes, and as appropriate, carry out activities to increase the extent of such representation.

''(l) CANCER RESEARCH.—The Secretary, in collaboration with the Director of the Center, shall designate and support a cancer prevention, control, and population science center to address the significantly elevated rate of morbidity and mortality from cancer in racial and ethnic minority populations. Such designated center shall be housed within an existing, stand-alone cancer center at a historically black college and university that has a demonstrable commitment to and expertise in cancer research in the basic, clinical, and population sciences.'';

(6) in subsection (l)(1) (as so redesignated), by inserting before the semicolon the following: '', with a particular focus on evaluation of progress made toward fulfillment of the goals of the Plan''; and

(7) by striking subsection (m) (as so redesignated).

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

(a) SECTIONS 301, 302, AND 303.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011, to carry out sections 301, 302, and 303 (and the amendments made by such sections).

(b) SECTION 304.—

(1) IN GENERAL.—There are authorized to be appropriated $240,000,000 for fiscal year 2007, such sums as may be necessary for each of fiscal years 2008 through 2011, to carry out section 304.

(2) ALLOCATION OF FUNDS.—Subject to section 485E of the Public Health Service Act (as amended by section 304) and other applicable law, the Director of the Center under such section 485E shall direct all amounts appropriated for activities under such section and in collaboration with the Director of National Institutes of Health and the directors of other institutes and centers of the National Institutes of Health.

(3) MANAGEMENT OF ALLOCATIONS.—All amounts allocated or expended for minority health and health disparities research activities under this subsection shall be reported programmatically to and approved by the Director of the Center under such section 485E, in accordance with the Plan described under such section 485E.

TITLE IV—DATA COLLECTION, ANALYSIS, AND QUALITY

SEC. 401. DATA COLLECTION, ANALYSIS, AND QUALITY.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXIX—DATA COLLECTION, ANALYSIS, AND QUALITY

"SEC. 2901. DATA COLLECTION, ANALYSIS, AND QUALITY.

''(a) DATA COLLECTION AND REPORTING.—The Secretary shall ensure that not later than 3 years after the date of enactment of the Minority Health Improvement and Health Disparity Elimination Act any ongoing or new federally conducted or supported health programs (including surveys) result in the—

''(1) collection and reporting of data by race and ethnicity using, at a minimum, Office of Budget and Management standards in effect on the date of enactment of the Minority Health Improvement and Health Disparity Elimination Act;

''(2) collection and reporting of data by geographic location, socioeconomic position (such as employment, income, and education), primary language, and, when determined practicable by the Secretary, health literacy; and

''(3) if practicable, collection and reporting of data on additional population groups if such data can be aggregated into the minimum race and ethnicity data categories.

''(b) DATA ANALYSIS AND DISSEMINATION.—

''(1) DATA ANALYSIS.—

''(A) IN GENERAL.—The Secretary shall analyze data collected under subsection (a) to detect and monitor trends in disparities in health and healthcare for racial and ethnic minority and other health disparity populations, and examine the interaction between various disparity indicators.

''(B) QUALITY ANALYSIS.—The Secretary shall ensure that the analyses under subparagraph (A) incorporate data reported according to quality measurement systems.

''(2) QUALITY MEASURES.—When the Secretary, by statutory or regulatory authority, adopts and implements any quality measures or any quality measurement system, the Secretary shall ensure the quality measures or quality measurement system comply with the following:

''(A) MEASURES.—Measures selected shall, to the extent practicable—

''(i) assess the effectiveness, timeliness, patient self-management, patient centeredness, equity, and efficiency of care received by patients, including patients from racial and ethnic minority and other health disparity populations;

''(ii) are evidence based, reliable, and valid; and

''(iii) include measures of clinical processes and outcomes, patient experience and efficiency.

''(B) CONSULTATION.—In selecting quality measures or a quality measurement system or systems for adoption and implementation, the Secretary shall consult with—

''(i) individuals from racial and ethnic minority and other health disparity populations; and

''(ii) experts in the identification and elimination of disparities in health and healthcare among racial and ethnic minority and other health disparity populations.

''(3) DISSEMINATION.—

''(A) IN GENERAL.—The Secretary shall make the measures, data, and analyses described in paragraph (1) and (2) available to—

''(i) the Office of Minority Health and Health Disparity Elimination;

''(ii) the National Center on Minority Health and Health Disparities;

''(iii) the Agency for Healthcare Research and Quality for inclusion in the Agency's reports;

''(iv) the Centers for Disease Control and Prevention;

''(v) the Centers for Medicare and Medicaid Services;

''(vi) the Indian Health Service;

''(vii) other agencies within the Department of Health and Human Services; and

''(viii) other entities as determined appropriate by the Secretary.

''(B) ADDITIONAL RESEARCH.—The Secretary may, as the Secretary determines appropriate, make the measures, data, and analysis described in paragraphs (1) and (2) available for additional research, analysis, and dissemination to nongovernmental entities and the public.

''(c) RESEARCH.—

''(1) DISPARITY INDICATORS.—

''(A) IN GENERAL.—The Secretary shall award grants or contracts for research to develop appropriate methods, indicators, and measures that will enable the detection and assessment of disparities in healthcare. Such research shall prioritize research with respect to the following:

''(i) Race and ethnicity.

''(ii) Geographic location (such as geocoding).

''(iii) Socioeconomic position (such as income or education level).

''(iv) Health literacy.

''(v) Cultural competency.

''(vi) Additional measures as determined appropriate by the Secretary.

''(B) APPLIED RESEARCH.—The Secretary shall use the results of the research from grants awarded under subparagraph (A) to improve the data collection described under subsection (a).

''(2) STRATEGIC PARTNERSHIPS TO ENCOURAGE AND IMPROVE DATA COLLECTION.—

''(A) IN GENERAL.—The Secretary may award not more than 20 grants to eligible entities for the purposes of—

''(i) enhancing and improving methods for the collection, reporting, analysis, and dissemination of data, as required under the Minority Health Improvement and Health Disparity Elimination Act; and

''(ii) encouraging the collection, reporting, analysis, and dissemination of data to identify and address disparities in health and healthcare.

''(B) DEFINITION OF ELIGIBLE ENTITY.—In this paragraph, the term 'eligible entity' means a health plan, federally qualified health center, hospital, rural health clinic, academic institution, policy research organization, or other entity, including an Indian Health Service hospital or clinic, Indian tribal health facility, or urban Indian facility, that the Secretary determines to be appropriate.

''(C) APPLICATION.—An eligible entity desiring a grant under this paragraph shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(D) PRIORITY IN AWARDING GRANTS.—In awarding grants under this paragraph, the Secretary shall give priority to eligible entities that represent collaboratives with—

''(i) hospitals, health plans, or health centers; and

''(ii) at least 1 community-based organization or patient advocacy group.

''(E) USE OF FUNDS.—An eligible entity that receives a grant under this paragraph shall use grant funds to—

''(i) collect, analyze, or report data by race, ethnicity, geographic location, socioeconomic position, health literacy, or other health disparity indicator;

''(ii) conduct and report analyses of quality of healthcare and disparities in health and healthcare for racial and ethnic minority and other health disparity populations, including disparities in diagnosis, management and treatment, and health outcomes for acute and chronic disease;

''(iii) improve health data collection, analysis, and reporting for subpopulations and categories;

''(iv) modify, implement, and evaluate use of health information technology systems that facilitate data collection, analysis and reporting for racial and ethnic minority and other health disparity populations, and support healthcare interventions;

''(v) develop educational programs to inform patients, providers, purchasers, and other individuals served about the legality and importance of the collection, analysis, and reporting of data by race, ethnicity, socioeconomic position, geographic location, and health literacy, for eliminating disparities in health; and

''(vi) evaluate the activities conducted under this paragraph.

''(d) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to promote compliance with the data collection and reporting requirements of the Minority Health Improvement and Health Disparity Elimination Act.

''(e) PRIVACY AND SECURITY.—The Secretary shall ensure all appropriate privacy and security protections for health data collected, reported, analyzed, and disseminated pursuant to the Minority Health Improvement and Health Disparity Elimination Act.

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011.''.

TITLE V—LEADERSHIP, COLLABORATION, AND NATIONAL ACTION PLAN

SEC. 501. OFFICE OF MINORITY HEALTH AND HEALTH DISPARITY ELIMINATION.

(a) IN GENERAL.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended to read as follows:

"SEC. 1707. OFFICE OF MINORITY HEALTH AND HEALTH DISPARITY ELIMINATION.

''(a) ESTABLISHMENT.—For the purpose of improving the health of racial and ethnic minority populations and other health disparity populations, as described in subsection (b), there is established an Office of Minority Health and Health Disparity Elimination within the Office of Public Health and Science. There shall be in the Department of Health and Human Services a Deputy Assistant Secretary for Minority Health and Health Disparity Elimination, who shall be the head of the Office of Minority Health and Health Disparity Elimination. The Secretary, acting through such Deputy Assistant Secretary, shall carry out this section.

''(b) POPULATIONS TO BE SERVED.—The Secretary shall ensure that services provided under this section are prioritized to improve the health of racial and ethnic minority groups. To the extent that services are provided to other health disparity populations, such populations, as compared to the general population, must experience a—

''(1) disproportionate burden of disease, particularly chronic conditions such as hepatitis B, diabetes, heart disease, stroke, high blood pressure, mental illness, asthma, obesity, HIV/AIDS, and cancer;

''(2) significantly elevated risk for poor health outcomes, including disability and premature mortality;

''(3) disproportionate lack of access to local health resources, including hospitals, clinics, and health professionals; and

''(4) lower socioeconomic position.

''(c) DUTIES.—With respect to racial and ethnic minority groups, and other health disparity groups, the Secretary, acting through the Deputy Assistant Secretary, shall carry out the following:

''(1) Coordinate and provide input on activities within the Public Health Service that relate to disease prevention, health promotion, health service delivery, health workforce, and research concerning racial and ethnic minority populations, and other health disparity populations. The Secretary shall ensure that the heads of each of the agencies of the Service collaborate with the Deputy Assistant Secretary on the development and conduct of such activities.

''(2) Not later than 1 year after the date of enactment of the Minority Health Improvement and Health Disparity Elimination Act, develop and implement a comprehensive Department-wide plan to improve minority health and eliminate health disparities in the United States, to be known as the National Plan to Improve Minority Health and Eliminate Health Disparities, (referred to in this section as the 'National Plan'). With respect to development and implementation of the National Plan, the Secretary shall carry out the following:

''(A) Consult with the following:

''(i) The Director of the Centers for Disease Control and Prevention.

''(ii) The Director of the National Institutes of Health.

''(iii) The Director of the National Center on Minority Health and Health Disparities of the National Institutes of Health.

''(iv) The Director of the Agency for Healthcare Research and Quality.

''(v) The National Coordinator for Health Information Technology.

''(vi) The Administrator of the Health Resources and Services Administration.

''(vii) The Administrator of the Centers for Medicare & Medicaid Services.

''(viii) The Director of the Office for Civil Rights.

''(ix) The Secretary of Veterans Affairs.

''(x) The Administrator of the Substance Abuse and Mental Health Services Administration.

''(xi) The Secretary of Defense.

''(xii) The Commissioner of the Food and Drug Administration.

''(xiii) The Director of the Indian Health Service.

''(xiv) The Secretary of Education.

''(xv) The Secretary of Labor.

''(xvi) The heads of other public and private entities, as determined appropriate by the Secretary.

''(B) Review and integrate existing information and recommendations as appropriate, such as Healthy People 2010, Institute of Medicine studies, and Surgeon General Reports.

''(C) Ensure inclusion of measurable short-range and long-range goals and objectives, a description of the means for achieving such goals and objectives, and a designated date by which such goals and objectives are expected to be achieved.

''(D) Ensure that all amounts appropriated for such activities are expended in accordance with the National Plan.

''(E) Review the National Plan on at least an annual basis, and report to the public and appropriate committees of Congress on progress.

''(F) Revise such Plan as appropriate.

''(G) Ensure that the National Plan will serve as a binding statement of policy with respect to the agencies' activities related to improving health and eliminating disparities in health and healthcare.

''(3) Work with Federal agencies and departments outside of the Department of Health and Human Services as appropriate to maximize resources available to increase understanding about why disparities exist, and effective ways to improve health and eliminate health disparities.

''(4) In cooperation with the appropriate agencies, support research, demonstrations, and evaluations to test new and innovative models for—

''(A) expanding healthcare access;

''(B) improving healthcare quality; and

''(C) increasing healthcare educational opportunity.

''(5) Develop mechanisms that support better information dissemination, education, prevention, and service delivery to individuals from disadvantaged backgrounds, including individuals who are members of racial or ethnic minority groups or health disparity populations.

''(6) Increase awareness of disparities in healthcare, and knowledge and understanding of health risk factors, among healthcare providers, health plans, and the public.

''(7) Advise in matters related to the development, implementation, and evaluation of health professions education on improving healthcare outcomes and decreasing disparities in healthcare outcomes, with focus on cultural competence.

''(8) Assist healthcare professionals, community and advocacy organizations, academic medical centers and other health entities and public health departments in the design and implementation of programs that will improve health outcomes by strengthening the patient-provider relationship.

''(9) Carry out programs to improve access to healthcare services and to improve the quality of healthcare services for individuals with low functional health literacy.

''(10) Facilitate the classification and collection of healthcare data to allow for ongoing analysis to identify and determine the causes of disparities and monitoring of progress toward improving health and eliminating health disparities.

''(11) Ensure that the National Center for Health Statistics collects data on the health status of each racial or ethnic minority group or health disparity population pursuant to section 2901.

''(12) Support a national minority health resource center to carry out the following:

''(A) Facilitate the exchange of information regarding matters relating to health information and health promotion, preventive health services, and education in the appropriate use of healthcare.

''(B) Facilitate access to such information.

''(C) Assist in the analysis of issues and problems relating to such matters.

''(D) Provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance).

''(13) Support a center for linguistic and cultural competence to carry out the following:

''(A) With respect to individuals who lack proficiency in speaking the English language, enter into contracts with public and nonprofit private providers of primary health services for the purpose of increasing the access of such individuals to such services by developing and carrying out programs to improve health literacy and cultural competency.

''(B) Carry out programs to improve access to healthcare services for individuals with limited proficiency in speaking the English language. Activities under this subparagraph shall include developing and evaluating model projects.

''(14) Enter into interagency agreements with other agencies of the Public Health Service, as appropriate.

''(15) Collaborate with the Office for Civil Rights to—

''(A) assist healthcare providers with application of guidance and directives regarding healthcare for racial and ethnic minority and other health disparity populations, including—

''(i) reviewing cases with the Office of Inspector General and the Office for Civil Rights which have been closed without a finding of discrimination to determine if a pattern or practice of activities that could lead to discrimination exists, and if such a pattern or practice is identified, provide technical assistance or education, as applicable, to the relevant provider or to a group of providers located within a particular geographic area;

''(ii) biannually publishing information on cases filed with the Office for Civil Rights which have resulted in a finding of discrimination, including the name and location of the entity found to have discriminated, and any findings and agreements entered into between the Office for Civil Rights and the entity; and

''(iii) monitoring and analysis of trends in cases reported to the Office for Civil Rights to ensure that the Office of Minority Health and Health Disparity Elimination acts to educate and assist healthcare providers as necessary; and

''(B) provide technical assistance or education, as applicable, to the relevant provider or to a group of providers located within a particular geographic area.

''(16) Promote and expand efforts to increase racial and ethnic minority enrollment in clinical trials.

''(17) Establish working groups—

''(A) to examine and report recommendations to the Secretary regarding—

''(i) emergency preparedness and response for underserved populations;

''(ii) development and implementation of health information technology that can assist providers to deliver culturally competent healthcare;

''(iii) outreach and education of health disparity groups about new Federal health programs, as appropriate, including the programs under Part D of title XVIII of the Social Security Act and chronic care management programs under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (and the amendments made by such Act);

''(iv) leadership development in public health; and

''(v) other emerging health issues at the discretion of the Secretary; and

''(B) that include representation from the relevant health agencies, centers and offices, as well as public and private entities as appropriate.

''(d) ADVISORY COMMITTEE.—

''(1) IN GENERAL.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Health and Health Disparities (in this subsection referred to as the 'Committee').

''(2) DUTIES.—The Committee shall provide advice to the Deputy Assistant Secretary carrying out this section, including advice on the development of goals and specific program activities under subsection (c) for racial and ethnic minority groups and health disparity population.

''(3) CHAIR.—The chairperson of the Committee shall be selected by the Secretary from among the members of the voting members of the Committee. The term of office of the chairperson shall be 2 years.

''(4) COMPOSITION.—

''(A) The Committee shall be composed of 12 voting members appointed in accordance with subparagraph (B), and nonvoting, ex-

officio members designated in subparagraph (C).

''(B) The voting members of the Committee shall be appointed by the Secretary from among individuals who are not officers or employees of the Federal Government and who have expertise regarding issues of minority health and health disparities. Racial and ethnic minority groups and health disparity populations shall be appropriately represented among such members.

''(C) The nonvoting, ex officio members of the Committee shall be such officials of the Department of Health and Human Services, including the Director of the Office of Minority Health and Health Disparity Elimination and the Office for Civil Rights, and other officials as the Secretary determines to be appropriate.

''(D) The Secretary shall provide an opportunity for the Chairman and Ranking Member of the Committee on Health, Education, Labor, and Pensions of the Senate to submit to the Secretary names of potential Committee members under this section for consideration.

''(5) TERMS.—Each member of the Committee shall serve for a term of 4 years, except that the Secretary shall initially appoint a portion of the members to terms of 1 year, 2 years, and 3 years.

''(6) VACANCIES.—If a vacancy occurs on the Committee, a new member shall be appointed by the Secretary within 90 days from the date that the vacancy occurs, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Committee.

''(7) COMPENSATION.—Members of the Committee who are officers or employees of the United States shall serve without additional compensation. Members of the Committee who are not officers or employees of the United States shall receive compensation, for each day (including travel time) they are engaged in the performance of the functions of the Committee. Such compensation may not be in an amount in excess of the daily equivalent of the annual maximum rate of basic pay payable under the General Schedule for positions above GS–15 under title 5, United States Code.

''(e) CERTAIN REQUIREMENTS REGARDING DUTIES.—

''(1) RECOMMENDATIONS REGARDING LANGUAGE.—

''(A) PROFICIENCY IN SPEAKING ENGLISH.—The Deputy Assistant Secretary shall consult with the Director of the Office of International and Refugee Health, the Director of the Office for Civil Rights, and the Directors of other appropriate departmental entities regarding recommendations for carrying out activities under subsection (c)(9).

''(B) HEALTH PROFESSIONS EDUCATION REGARDING HEALTH DISPARITIES.—The Deputy Assistant Secretary shall carry out the duties under subsection (c)(7) in collaboration with appropriate personnel of the Department of Health and Human Services, other Federal agencies, and other offices, centers, and institutions, as appropriate, that have responsibilities under the Minority Health and Health Disparities Research and Education Act of 2000.

''(2) RESOURCE ALLOCATION.—

''(A) FUNDING.—In carrying out subsection (c), the Secretary shall ensure that such funding and other resources directed to health disparity populations that are not racial and ethnic minority populations are used to supplement, not supplant, funding and other resources currently or historically allocated for services provided to such populations.

''(B) ACTIVITIES.—When carrying out activities for health disparity populations that are not racial and ethnic minority populations, the Secretary shall ensure that such activities carried out by the Office of Minority Health and Health Disparity Elimination supplement, not supplant, the activities of other offices or agencies whose primary mission by established mandate, or current or historical practice is to serve such populations.

''(3) CULTURAL COMPETENCY OF SERVICES.—The Secretary shall ensure that information and services provided pursuant to subsection (c) consider the unique cultural or linguistic issues facing such populations and are provided in the language, educational, and cultural context that is most appropriate for the individuals for whom the information and services are intended.

''(4) AGENCY COORDINATION.—In carrying out subsection (c), the Secretary shall ensure that new or existing agency offices of minority health, or other health disparity offices, report current and proposed activities to the Deputy Assistant Secretary, and provide, to the extent practicable, an opportunity for input in the development of such activities by the Deputy Assistant Secretary.

''(f) GRANTS AND CONTRACTS REGARDING DUTIES.—

''(1) IN GENERAL.—In carrying out subsection (c), the Secretary acting through the Deputy Assistant Secretary, may make awards of grants, cooperative agreements, and contracts to public and nonprofit private entities.

''(2) PROCESS FOR MAKING AWARDS.—The Deputy Assistant Secretary shall ensure that awards under paragraph (1) are made, to the extent practical, only on a competitive basis, and that a grant is awarded for a proposal only if the proposal has been recommended for such an award through a process of peer review.

''(3) EVALUATION AND DISSEMINATION.—The Deputy Assistant Secretary, directly or through contracts with public and private entities, shall provide for evaluations of projects carried out with awards made under paragraph (1) during the preceding 2 fiscal years. The report shall be included in the report required under subsection (g) for the fiscal year involved.

''(g) STATE OFFICES OF MINORITY HEALTH.—The Deputy Assistant Secretary shall assist the voluntary establishment and functions of State offices of minority health in order to expand and coordinate State efforts to improve the health of minority and other health disparity populations.

''(1) PRIORITIES.—The Deputy Assistant Secretary may facilitate, with respect to minority and health disparity populations—

''(A) integration and coordination of State and national efforts, including those pertaining to the National Plan pursuant to subsection (b);

''(B) strategic plan development within States to assess and respond to local health concerns;

''(C) education and engagement of key stakeholders within States, including representatives from public health agencies, hospitals, clinics, provider groups, elected officials, community-based organizations, advocacy groups, media, and the private sector;

''(D) development and implementation of accepted standards, core competencies, and minimum infrastructure requirements for State offices;

''(E) access to State level health data for minority and health disparity populations, which may include State data collection and analysis;

''(F) development, implementation, and evaluation of State programs and policies, as appropriate;

''(G) communication and networking among States to share effective policies, programs and practices with respect to increasing access and quality of care;

''(H) recognition and reporting of State successes and challenges; and

''(I) identification of Federal grant programs and other funding for which States could apply to carry out health improvement activities.

''(2) RESOURCES.—The Deputy Assistant Secretary may provide grants and technical assistance for the voluntary establishment or capacity development of State offices of minority health.

''(3) COLLABORATION.—To the extent practicable, the Deputy Assistant Secretary may encourage and facilitate collaboration between State offices of minority health and State offices addressing the needs of other health disparity or disadvantaged populations, including offices of rural health.

''(4) DEFINITION.—For the purpose of this subsection, 'State offices of minority health' include offices, councils, commissions, or advisory panels designated by States or territories to address the health of minority populations.

''(h) REPORTS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Minority Health Improvement and Health Disparity Elimination Act, the Secretary shall submit to the appropriate committees of Congress, a report on the National Plan developed under subsection (c).

''(2) REPORT ON ACTIVITIES.—Not later than February 1 of fiscal year 2008 and of each second year thereafter, the Secretary shall submit to the appropriate committees of Congress, a report describing the activities carried out under this section during the preceding 2 fiscal years and evaluating the extent to which such activities have been effective in improving the health of racial and ethnic minority groups and health disparity populations. Each such report shall include the biennial reports submitted under subsection (f)(3) for such years by the heads of the Public Health Service agencies.

''(3) AGENCY REPORTS.—Not later than February 1, 2007, and on a biannual basis thereafter, the heads of the Public Health Service shall submit to the Deputy Assistant Secretary a report that summarizes the minority health and health disparity activities of each of the respective agencies.

''(i) DEFINITIONS.—In this section:

''(1) The term 'health disparity population' has the meaning given the term in section 903(d)(1).

''(2) The term 'racial and ethnic minority group' means American Indians (including Alaska Natives, Eskimos, and Aleuts), Asian Americans, Native Hawaiians and other Pacific Islanders, Blacks, and Hispanics.

''(3) The term 'Hispanic' means individuals whose origin is Mexican, Puerto Rican, Cuban, Central or South American, or of any other Spanish-speaking country.

''(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $110,000,000 for fiscal year 2007, such sums as may be necessary for each of fiscal years 2008 through 2011.''.

(b) TRANSFER OF FUNCTIONS; REFERENCES.—

(1) TRANSFER OF FUNCTIONS.—

(A) OFFICE OF MINORITY HEALTH AND HEALTH DISPARITY ELIMINATION.—The functions of the Office of Minority Health under section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) as in effect the day before the date of enactment of this Act are transferred to the

Office of Minority Health and Health Disparity Elimination under such section 1707 (as amended by subsection (a)).

(B) DEPUTY ASSISTANT SECRETARY FOR MINORITY HEALTH AND HEALTH DISPARITY ELIMINATION.—The functions of the Deputy Assistant Secretary for Minority Health of the Office of Minority Health under section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) as in effect the day before the date of enactment of this Act are transferred to the Deputy Assistant Secretary for Minority Health and Health Disparity Elimination of the Office of Minority Health and Health Disparity Elimination under such section 1707 (as amended by subsection (a)).

(2) REFERENCES.—

(A) OFFICE OF MINORITY HEALTH AND HEALTH DISPARITY ELIMINATION.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Office of Minority Health under section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) as in effect the day before the enactment of this Act is deemed to be a reference to the Office of Minority Health and Health Disparity Elimination under such section 1707 (as amended by subsection (a)).

(B) DEPUTY ASSISTANT SECRETARY FOR MINORITY HEALTH AND HEALTH DISPARITY ELIMINATION.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Deputy Assistant Secretary for Minority Health of the Office of Minority Health under section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) as in effect the day before the enactment of this Act is deemed to be a reference to the Deputy Assistant Secretary for Minority Health and Health Disparity Elimination of the Office of Minority Health and Health Disparity Elimination under such section 1707 (as amended by subsection (a)).

Mr. KENNEDY. Mr. President, unfortunately, serious and unjustified health disparities continue to exist in our Nation today. Over 45 million Americans have no health insurance and often don't get the health care they need, or else they receive it too late. We know that persons who are uninsured are more likely to delay doctor visits and needed screenings like mammograms and other early detection tests, which can help prevent serious illness and death. The Institute of Medicine estimates that at least 18,000 Americans die prematurely each year solely because they lack health coverage.

Some of the most shameful health disparities involve racial and ethnic minorities, and typically they are more likely to be uninsured. African Americans have a lower life expectancy than whites, and are much more likely to die from stroke, and their uninsurance rates are much higher than for their white counterparts.

Many Americans—even physicians—want to believe such disparities don't exist, but ignoring them only contributes more to the widening gap between the haves and have-nots. It's a scandal that people of color have greater difficulty obtaining good health care than other Americans. Your health should not depend on the color of your skin, the size of your bank account, or where you live. In a Nation as advanced as ours and with its state-of-the-art medical technology for preventing illness and caring for the sick, it's appalling that so many health disparities continue to exist.

That's the reason why I am introducing the Minority Health and Health Disparity Elimination Act as part of our effort to eliminate these unacceptable disparities.

The bill provides grants to communities to increase public awareness about access to health care and disease prevention. It writes the Centers for Disease Control's Racial and Ethnic Approaches to Community Health program into law, so that this successful program can involve all communities in closing the health care gap.

Greater diversity in the health care workforce is also a key part of ending these disparities. African Americans, Hispanic Americans, and other minorities account for only 6 percent of the nation's doctors and 7 percent of nurses and dentists, even though they are almost one-third of the U.S. population. The disparity in the health workforce must be closed, not just to fulfill our commitment to equality of opportunity, but because of the impact it has on health care. Studies demonstrate that minority health professionals are more likely to care for minority patients, including those who are low-income and uninsured.

The Minority Health and Health Disparity Elimination Act reauthorizes the Title VII healthcare workforce diversity programs, and supports the Centers of Excellence at Historically Black Colleges and Universities and institutions that educate Hispanic and Native American students.

A diverse health care workforce is essential for a healthy country. Emphasizing workforce diversity does not mean that health care workers of all races should not be prepared to work with diverse patients. We must also make a more serious effort to train culturally competent health care professionals and work towards creating a health care system that is accessible for the more than 46 million Americans who speak a language other than English at home. The bill creates an Internet clearinghouse to help increase cultural competency and improve communication between health care providers and patients. It also supports the development of curricula on cultural competence in health professions schools.

Language barriers in health care obviously contribute to reduced access and poorer care for those who have limited English proficiency or low health literacy. The legislation recognizes the importance of this issue for the quality of our health care system and provides funds for activities to improve and encourage services for such patients.

The Minority Health and Health Disparities Research and Education Act enacted into law in 2000 created the National Center for Minority Health and Health Disparities. The legislation I am introducing today reauthorizes this important Center and strengthens its role in coordinating and planning research that focuses on minority health and health disparities. It further strengthens research in health care quality by establishing a grant program for healthcare delivery sites and public-private partnerships to evaluate and identify best practices in disease management strategies and interventions.

In addition, the bill promotes the participation of racial and ethnic minorities and other health disparity populations in clinical trials and intensifies efforts throughout the Department of Health and Human Services to increase and apply knowledge about the interaction of racial, genetic, and environmental factors that affect people's health.

Finally, the bill reinforces and clarifies the duties of the Office of Minority Health and Health Disparity Elimination and encourages greater cooperation among federal agencies and departments in meeting these serious challenges.

I look forward to working with my colleagues to enact this needed legislation when we return to session after the election recess.

Mr. OBAMA. Mr. President, for forty years the civil rights activist Fannie Lou Hamer rallied the Nation with her statement ''I am sick and tired, of being sick and tired.'' She would be disheartened to know the extent to which her words are still resonating with millions of Americans today. Whether we are talking about African Americans, Latinos, Asians or American Indians, the fact is that minorities continue to suffer a greater burden of disease and die prematurely. African Americans are one-third more likely than all other Americans to die from cancer, and have the highest rate of new HIV infection. One in 3 Latinos has no insurance coverage. Fifty percent of Americans suffering from chronic hepatitis B are Asian. And among many American Indian tribes, the rate of diabetes has hit epidemic proportions, with rates near 50 percent in certain tribes. The state of minority health in this Nation is deplorable, and by many measures, is getting worse.

Researchers have contributed a substantial body of work that has increased our understanding of the factors contributing to poor health. Higher rates of uninsurance are one such factor. Racial and ethnic minorities, particularly African Americans and Latinos, are significantly more likely to be uninsured. This lack of access to care leads to delayed or foregone care, and according to the Institute of Medicine, is the 6th leading cause of death in this Nation for adults aged 25–64. But equally disturbing, an overwhelming number of studies have shown that regardless of insurance status, minorities are more likely to receive low quality health care, and as a consequence, suffer worse health outcomes.

The Institute of Medicine's 2002 historic report, Unequal Treatment: Confronting Racial and Ethnic Disparities in Healthcare, documented persistent and pervasive disparities in health care for minority groups, even after adjusting for differences in insurance status and socioeconomic factors. The American Journal of Public Health has reported that more than 886,000 deaths could have been prevented from 1991 to 2000 if African Americans had received the same level of health care as whites. In contrast, the same study estimates that technological improvements in medicine—including better drugs, devices and procedures—prevented only 176,633 deaths during the same period.

African Americans are not the only minorities getting worse care. Data has shown, for example, that compared to white Americans, Mexican Americans receive 38 percent fewer heart medications, and American Indians get recommended care for only 40 percent of quality measures. The bottom line is that although the level of health care quality is mediocre at best for all Americans, it is much worse for minority groups. And this is unacceptable.

For these reasons, I am joining my colleagues Senator FRIST and Senator KENNEDY in introducing the Minority Health Improvement and Health Disparity Elimination Act. This critical legislation has a number of important provisions to help address the dismal health status of minority and other underserved populations. First, this bill strengthens education and training in cultural competence and communication, which is the cornerstone of quality health care for all patients. It also reauthorizes the pipeline programs in Title VII of the Public Health Service Act, which seek to increase diversity in the health professions. We all know that the door to opportunity is only half open for minority students in the health professions. The percentage of minority health professionals is shockingly low—African Americans, Hispanics and American Indians account for one-third of the Nation's population but less than 10 percent of the Nation's doctors, less than 5 percent of dentists and only 12 percent of nurses. We can do better, and we must.

Lack of workforce diversity has serious implications for both access and quality of health care. Minority physicians are significantly more likely to treat low-income patients, and their patients are disproportionately minority. Studies have also shown that minority physicians provide higher quality of care to minority patients, who are more satisfied with their care and more likely to follow their doctor's recommendations.

Second, this bill expands and supports a number of initiatives to increase access to quality care. Specifically, the legislation authorizes demonstration projects to help address health disparities in the U.S.-Mexico border region, increase health coverage and continuity of coverage, identify and implement effective disease management strategies, train community health workers, and increase enrollment of minorities in clinical trials. The REACH program at the Centers for Disease Control and Prevention, and the Health Disparity Collaboratives at the Bureau of Primary Health Care are authorized in statute. And I am pleased that the Community Health Initiative has also been authorized. This new environmental public health program is modeled after the Health Action Zones in the Healthy Communities Act, S. 2047, that I introduced a year ago, and guides and strengthens community efforts to improve health in comprehensive and sustained fashion.

A third area of focus is expansion and acceleration of data collection and research across the agencies, including the Agency for Healthcare Research and Quality and the National Institutes of Health, with special emphasis on translational research. The tremendous advances in medical science and health technology, which have benefited millions of Americans, have remained out of reach for too many minorities, and translational research will help to remedy this problem. The National Center on Minority Health and Health Disparities, which has a leadership role in establishing the disparities research strategic plan at the National Institutes of Health, is reauthorized, and a new advisory committee has been established at the Food and Drug Administration, to focus on pharmacogenomics and its safe and appropriate application in minority populations.

Last but not least, I want to highlight that the bill reauthorizes the Office of Minority Health and Health Disparity Elimination. This Office has been critical in providing the leadership, expertise and guidance for health improvement activities within the agencies of the Department of Health and Human Services, and has helped to ensure coordination, collaboration and integration of such efforts as well.

In conclusion, I want to note that this is the first bipartisan effort on minority health and health disparities since 2000, when the Congress passed the last minority health bill. That bill accelerated the research that documented the full scope and magnitude of disparities in health and health care in this Nation, and more importantly, helped us understand why these disparities occur. But it is time for the next step. We've got to translate the knowledge we have gained into practical and effective interventions that will improve minority health and eliminate disparities, and this bill will help us do just that.

I urge my colleagues to join me in cosponsoring and passing this critical legislation. Regardless of how you measure it—whether by needless suffering, lost productivity, financial costs, or lives lost—disparities in health and health care are a tremendous problem and moral imperative for our Nation, and one that is within our power to address right now. On behalf of the millions of Americans who continue to be sick and tired of being sick and tired, I ask you to join me in voting yes to pass this bill.

By Mr. SPECTER (for himself, Mr. LOTT, Mr. LEAHY, and Ms. LANDRIEU):

S. 4025. A bill to strengthen antitrust enforcement in the insurance industry; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition today to introduce the Insurance Industry Antitrust Enforcement Act of 2006. This legislation would subject the insurance industry to the antitrust laws, which apply to almost every other industry in America.

Congress enacted the McCarran-Ferguson Act in 1945. It did so in response to a controversial Supreme Court case in which the Court held that the business of insurance constituted interstate commerce. The ruling opened the door to federal regulation of insurance, a business that had historically been regulated by the States. Reacting to concern from the states that they would no longer have authority to collect taxes on insurance premiums, Congress passed McCarran-Ferguson, which reaffirmed the power of the States to regulate insurance and collect taxes.

In doing so, Congress exempted insurance industry practices from the antitrust laws to the extent that such practices are ''regulated by state law.'' Since then, the courts have liberally interpreted the phrase ''regulated by state law.'' They have held that insurance industry practices are exempt from the antitrust laws so long as regulators have been given jurisdiction over the challenged practices—regardless of whether the regulators ever exercise that jurisdiction.

Over the years, State regulators have either chosen not to regulate, or failed to regulate, practices that would have violated the antitrust laws absent McCarran-Ferguson. With McCarran-Ferguson, such practices escape both regulatory and federal antitrust oversight. The most notorious practices to come to light involved bid-rigging and customer allocation by insurance broker, Marsh & McClennan, and several of the nation's largest insurers, including AIG and Zurich American Insurance Company. Under the scheme, Marsh steered unsuspecting clients to insurers with which it had lucrative payoff agreements. To make the scheme work, Marsh solicited fictitious bids from other complicit insurers to make the bid submitted by the selected insurer—the one that offered Marsh the highest payoff—seem competitive.

Even though the scheme eliminated competition among the insurance companies that were involved, those companies could not be prosecuted under Federal antitrust law. Several States prosecuted the insurance companies

under a variety of State laws, including antitrust laws, but federal prosecutors could not bring their significant resources to bear. There simply is no justification for that. Federal law enforcement should have the power to prosecute such blatant violations of the antitrust laws.

This is not the first attempt to subject the insurance industry to Federal antitrust law. In the wake of numerous insolvencies, mismanagement and other misconduct by insurers in the late 1980s, legislation was introduced repealing the exemption. That legislation, introduced by Congressman Brooks, faced opposition from insurers who claimed that many industry practices engaged in jointly by insurance companies were pro-competitive and necessary for smaller insurers. The legislation provided a safe harbor, specifically listing the practices of insurance companies that would be exempt from the antitrust laws. However, it proved impossible to craft a list of safe harbors for all the information that competing insurers claimed they needed to share with one another. This bill has avoided that problem.

More recently, some have argued that the answer to insurance industry ills is full federal regulation. I do not necessarily believe that stripping the States of their authority to regulate the insurance industry is the answer. This bill does not do that. It allows states to continue to regulate their insurance industries. However, the existence of state regulation is no reason to prevent the Federal Government from prosecuting violators of antitrust laws. And, there is no reason to prevent Federal prosecutors from going after those violators just because they happen to work for insurance companies.

As I've said, allowing Federal prosecutors to go after those who violate the antitrust laws will not prevent states from regulating the insurance industry. If a state is actively supervising practices by its insurance industry that might otherwise violate the antitrust laws, this legislation would exempt that practice from the antitrust laws. Antitrust law does not generally apply where a state is actively regulating an industry. This is as it should be and the legislation I introduce today, the Insurance Industry Antitrust Act of 2006, incorporates that standard.

The Judiciary Committee held a hearing on this issue in May.

During the hearing, Marc Racicot, the President of the American Insurance Association, a trade association composed of the nation's largest insurers, acknowledged that ''every State provides some form of antitrust regulation of insurers.'' In other words, many States already enforce their State antitrust laws with respect to insurers. So, I have to ask, why have we tied the hands of federal antitrust enforcers?

The insurers will argue that repealing the antitrust exemption for insurers will create uncertainty by throwing into question the legality of every joint practice engaged in by insurers. They will argue that the legality of each joint practice will have to be litigated in court. However, this bill has been drafted to avoid such litigation. Rather than incorporating a laundry list of safe harbors, an approach that was taken in the past, the bill would allow the Federal Trade Commission to issue guidelines identifying joint practices that do not raise antitrust concerns and would therefore not face scrutiny from antitrust enforcers.

This is a job for which the Commission is well equipped. In the past, the Commission along with the Justice Department issued ''Statements of Antitrust Enforcement Policy in Health Care.'' The Health Care Statements identified joint conduct by health care providers that did not raise antitrust concerns and therefore would likely escape scrutiny by antitrust enforcers. The Health Care Statements were designed to give health care providers certainty about the legality of their joint conduct under the antitrust laws. Similar guidelines for the insurance industry would provide insurers with certainty, but at the same time, would ensure that joint practices that are anticompetitive receive scrutiny from the antitrust enforcement agencies.

Although insurers oppose repeal of their antitrust exemption, others support a repeal. In particular, the Antitrust Section of the American Bar Association has long supported repeal. During the Judiciary Committee's hearing, the current head of the Antitrust Section, Donald Klawiter noted the Section's nearly 20-year history of supporting repeal. Klawiter testified that ''the benefits of antitrust exemptions almost never outweigh the potential harm imposed on society by the loss of competition.'' At the same hearing, Robert Hunter, testifying on behalf of the Consumer Federation of America, concluded that ''application of the antitrust laws to the insurance industry could result in double-digit savings for America's insurance consumers.''

It is my hope that this legislation will bring the benefits of competition to the insurance industry and to consumers. Too many consumers are paying too much for insurance due to the collusive atmosphere that exists in the insurance industry. This has become a particular problem along the Gulf Coast, where insurers have shared hurricane loss projections, which may result in double-digit premium increases for Gulf Coast homeowners.

I strongly urge members who are concerned about industry exemption from the antitrust laws and collusive insurance industry practices to support this important piece of 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. 4025

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 ''Insurance Industry Antitrust Enforcement Act of 2006''.

SEC. 2. AMENDMENTS.

Section 2(b) of the Act of March 9, 1945 (15 U.S.C. 1012(b)), commonly known as the McCarran-Ferguson Act, is amended by—

(1) inserting ''section 5 of'' after ''Clayton Act, and'';

(2) inserting ''as section 5 relates to unfair methods of competition,'' after ''Commission Act, as amended,'';

(3) striking ''to the extent that'' and all that follows through ''law.'' and inserting the following: ''except to the extent—

''(1) the conduct of a person engaged in the business of insurance is undertaken pursuant to a clearly articulated policy of a State that is actively supervised by that State; or

''(2) the conduct involves a third party not engaged in the business of insurance—

''(A) that collects, compiles or disseminates aggregated historical loss data;

''(B) that develops and disseminates standardized insurance policy forms, contracts addendums or language; or

''(C) that—

''(i) facilitates other joint conduct pursuant to guidelines issued by the Federal Trade Commission or existing law; and

''(ii) does not include—

''(I) exchanging information among competitors relating to sales, profitability, prices, marketing, or distribution of any product, process, or service that is not reasonably required for the purposes enumerated in subparagraph (A) or (B);

''(II) entering into any agreement or engaging in any other conduct that would allocate a market with a competitor; or

''(III) entering into any agreement or conspiracy that would set or restrain prices of any good or service.''; and

(4) adding at the end the following:

''Except as it relates to unfair methods of competition, the Federal Trade Commission Act shall be applicable to the business of insurance to the extent that such business is not regulated by State law.'' .

Mr. LEAHY. Mr. President, I am pleased to join Senator SPECTER, along with Senators LANDRIEU and LOTT, in introducing the ''Insurance Industry Antitrust Enforcement Act of 2006.''

In 1945, Congress passed the McCarran-Ferguson Act, giving the insurance industry almost complete immunity from Federal antitrust laws. The Act acknowledges the significant role States have in the regulation of the business of insurance, and implements this policy by preempting Federal antitrust laws which would intrude upon State authority in the area.

Industry specific statutory exemptions from antitrust laws are rare, and when they are enacted, it is important that we periodically revisit them to ensure that the benefits of the exemption are not outweighed by the potential harms that could be imposed on consumers from the loss of competition. The McCarran-Ferguson Act is no exception and, for good reason, has recently been revisited by the Senate Judiciary Committee.

At a recent hearing before the Committee, it became abundantly clear that the McCarran-Ferguson Act is no

longer a justified or practical law; it is overly complex and stifles competition. Recognizing that the insurance industry has unique characteristics, including the dependence on collective claim and loss data, Senator SPECTER and I drafted a bill to accommodate those legitimate needs while still providing Federal regulators with the tools to investigate and prevent collusion and other anticompetitive behaviors. More specifically, our bill authorizes Federal enforcement agencies to police violations of antitrust laws, without weakening the States' comprehensive regulatory power.

American consumers, from sophisticated multi-national businesses to Vermonters shopping for personal insurance, have the right to be confident that the cost of their insurance reflects competitive market conditions and not collusive behavior. Yet, when consumers are continually faced with higher prices, fewer options, and declining quality of service from their insurance providers, there are no such assurances.

There is little disagreement that consumers are increasingly frustrated with the cost and quality of their insurance policies. This bill is an important step towards restoring integrity in our insurance markets. I hope it will act as a catalyst for action to ensure market forces are at work in the insurance industry.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 4026. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, today Senator BAUCUS and I are pleased to introduce the Tax Technical Corrections Act of 2006.

Technical Corrections measures are routine for major tax acts, and are necessary to ensure that the provisions of the acts are working consistently with Congressional intent, or to provide clerical corrections. Because these measures carry out Congressional intent, no revenue gain or loss is scored from them.

Technical corrections are derived from a deliberative and consultative process among the Congressional and Administration tax staffs. That means the Republican and Democratic staffs of the House Ways and Means and Senate Finance Committees are involved, as is the staff of the Treasury Department. All of this work is performed with the participation and guidance of the non-partisan staff of the Joint Committee on Taxation. A technical enters the list only if all staffs agree it is appropriate.

By filing this bill, we hope interested parties and practitioners will comment and provide direction on further edits, additions, or deletions. These comments should be submitted in a timely manner, by the end of October. It is our hope that we may move this package of technicals in November if possible.

We ask unanimous consent that the text of the bill print in the RECORD.

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

S. 4026

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Tax Technical Corrections Act of 2006''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Amendments related to the Tax Increase Prevention and Reconciliation Act of 2005.
Sec. 3. Amendment related to the Gulf Opportunity Zone Act of 2005.
Sec. 4. Amendments related to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.
Sec. 5. Amendments related to the Energy Policy Act of 2005.
Sec. 6. Amendments related to the American Jobs Creation Act of 2004.
Sec. 7. Amendment related to the Jobs and Growth Tax Relief Reconciliation Act of 2003.
Sec. 8. Amendments related to the Economic Growth and Tax Relief Reconciliation Act of 2001.
Sec. 9. Amendment related to the Tax Relief Extension Act of 1999.
Sec. 10. Amendment related to the Internal Revenue Service Restructuring and Reform Act of 1998.
Sec. 11. Clerical corrections.

SEC. 2. AMENDMENTS RELATED TO THE TAX INCREASE PREVENTION AND RECONCILIATION ACT OF 2005.

(a) AMENDMENTS RELATED TO SECTION 103 OF THE ACT.—

(1) Subparagraph (A) of section 954(c)(6) is amended—

(A) in the first sentence, by striking ''which is not subpart F income'' and inserting ''which is neither subpart F income nor income treated as effectively connected with the conduct of a trade or business in the United States'', and

(B) by striking the last sentence and inserting the following: ''The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including such regulations as may be necessary or appropriate to prevent the abuse of the purposes of this paragraph.''.

(2) Paragraph (6) of section 954(c) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

''(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of any interest, rent, or royalty to the extent such interest, rent, or royalty creates (or increases) a deficit which under section 952(c) may reduce the subpart F income of the payor or another controlled foreign corporation.''.

(b) AMENDMENTS RELATED TO SECTION 202 OF THE ACT.—

(1) Subparagraph (B) of section 355(b)(3) is amended to read as follows:

''(B) AFFILIATED GROUP RULE.—

''(i) IN GENERAL.—For purposes of subparagraph (A), all members of such corporation's separate affiliated group shall be treated as one corporation.

''(ii) SEPARATE AFFILIATED GROUP.—For purposes of clause (i), the term 'separate affiliated group' means, with respect to any corporation, the affiliated group which would be determined under section 1504(a) if such corporation were the common parent and section 1504(b) did not apply. Such term shall not include any corporation which became a member of—

''(I) such separate affiliated group (determined without regard to this sentence), or

''(II) any other separate affiliated group (determined without regard to this sentence) which includes any other corporation to which subparagraph (A) applies with respect to the same distribution,

during the 5-year period described in paragraph (2)(B) by reason of one or more transactions in which gain or loss was recognized in whole or in part (and shall not include any trade or business conducted by such corporation at the time it became such a member).''.

(2) Paragraph (3) of section 355(b) is amended by adding at the end the following new subparagraph:

''(E) REGULATIONS.—The Secretary shall prescribe regulations which provide for the proper application of subparagraphs (B), (C), and (D) of paragraph (2) with respect to distributions to which this paragraph applies.''.

(c) AMENDMENTS RELATED TO SECTION 515 OF THE ACT.—Paragraph (2) of section 911(f) is amended—

(1) by striking ''the tentative minimum tax under section 55'' in the matter preceding subparagraph (A) and inserting ''the amount determined under the first sentence of section 55(b)(1)(A)(i)'', and

(2) by striking ''the amount which would be such tentative minimum tax'' each place it appears in subparagraphs (A) and (B) and inserting ''the amount which would be determined under such sentence''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Tax Increase Prevention and Reconciliation Act of 2005 to which they relate.

SEC. 3. AMENDMENT RELATED TO THE GULF OPPORTUNITY ZONE ACT OF 2005.

(a) AMENDMENT RELATED TO SECTION 303 OF THE ACT.—Clause (iii) of section 903(d)(2)(B) of the American Jobs Creation Act of 2004, as amended by section 303 of the Gulf Opportunity Zone Act of 2005, is amended by inserting ''or the Secretary's delegate'' after ''The Secretary of the Treasury''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 303 of the Gulf Opportunity Zone Act of 2005.

SEC. 4. AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.

(a) AMENDMENTS RELATED TO SECTION 11113 OF THE ACT.—Paragraph (3) of section 6427(i) is amended—

(1) by inserting ''or under subsection (e)(2) by any person with respect to an alternative fuel (as defined in section 6426(d)(2))'' after ''section 6426'' in subparagraph (A),

(2) by inserting ''or (e)(2)'' after ''subsection (e)(1)'' in subparagraphs (A)(i) and (B), and

(3) by inserting ''AND ALTERNATIVE FUEL CREDIT'' after ''MIXTURE CREDIT'' in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the SAFETEA–LU to which they relate.

SEC. 5. AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.

(a) AMENDMENT RELATED TO SECTION 1306 OF THE ACT.—Paragraph (2) of section 45J(b) is amended to read as follows:

''(2) AMOUNT OF NATIONAL LIMITATION.—The aggregate amount of national megawatt capacity limitation allocated by the Secretary under paragraph (3) shall not exceed 6,000 megawatts.''.

(b) AMENDMENT RELATED TO SECTION 1342 OF THE ACT.—So much of subsection (b) of section 30C as precedes paragraph (1) thereof is amended to read as follows:

''(b) LIMITATION.—The credit allowed under subsection (a) with respect to all alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year at a location shall not exceed—''.

(c) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—

(1) Paragraph (3) of section 41(a) is amended by inserting ''for energy research'' before the period at the end.

(2) Paragraph (6) of section 41(f) is amended by adding at the end the following new subparagraph:

''(E) ENERGY RESEARCH.—The term 'energy research' does not include any research which is not qualified research.''.

(d) AMENDMENTS RELATED TO SECTION 1362 OF THE ACT.—

(1)(A) Paragraph (1) of section 4041(d) is amended by adding at the end the following new sentence: ''No tax shall be imposed under the preceding sentence on the sale or use of any liquid if tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.''.

(B) Paragraph (3) of section 4042(b) is amended to read as follows:

''(3) EXCEPTION FOR FUEL ON WHICH LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE SEPARATELY IMPOSED.—The Leaking Underground Storage Tank Trust Fund financing rate under paragraph (2)(B) shall not apply to the use of any fuel if tax was imposed with respect to such fuel under section 4041(d) or 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.''.

(C) Notwithstanding section 6430 of the Internal Revenue Code of 1986, a refund, credit, or payment may be made under subchapter B of chapter 65 of such Code for taxes imposed with respect to any liquid after September 30, 2005, and before the date of the enactment of this Act under section 4041(d)(1) or 4042 of such Code at the Leaking Underground Storage Tank Trust Fund financing rate to the extent that tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

(2)(A) Paragraph (5) of section 4041(d) is amended—

(i) by striking ''(other than with respect to any sale for export under paragraph (3) thereof)'', and

(ii) by adding at the end the following new sentence: ''The preceding sentence shall not apply with respect to subsection (g)(3) and so much of subsection (g)(1) as relates to vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.''

(B) Section 4082 is amended—

(i) by striking ''(other than such tax at the Leaking Underground Storage Tank Trust Fund financing rate imposed in all cases other than for export)'' in subsection (a), and

(ii) by redesignating subsections (f) and (g) as subsections (g) and (h) and by inserting after subsection (e) the following new subsection:

''(f) EXCEPTION FOR LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.—

''(1) IN GENERAL.—Subsection (a) shall not apply to the tax imposed under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

''(2) EXCEPTION FOR EXPORT, ETC.—Paragraph (1) shall not apply with respect to any fuel if the Secretary determines that such fuel is destined for export or for use by the purchaser as supplies for vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.''.

(C) Subsection (e) of section 4082 is amended—

(i) by striking ''an aircraft, the rate of tax under section 4081(a)(2)(A)(iii) shall be zero.'' and inserting ''an aircraft—

''(1) the rate of tax under section 4081(a)(2)(A)(iii) shall be zero, and

''(2) if such aircraft is employed in foreign trade or trade between the United States and any of its possessions, the increase in such rate under section 4081(a)(2)(B) shall be zero.''; and

(ii) by moving the last sentence flush with the margin of such subsection (following the paragraph (2) added by clause (i)).

(D) Section 6430 is amended to read as follows:

''SEC. 6430. TREATMENT OF TAX IMPOSED AT LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.

''No refunds, credits, or payments shall be made under this subchapter for any tax imposed at the Leaking Underground Storage Tank Trust Fund financing rate, except in the case of fuels—

''(1) which are exempt from tax under section 4081(a) by reason of section 4081(f)(2),

''(2) which are exempt from tax under section 4041(d) by reason of the last sentence of paragraph (5) thereof, or

''(3) with respect to which the rate increase under section 4081(a)(2)(B) is zero by reason of section 4082(e)(2).''.

(3) Paragraph (5) of section 4041(d) is amended by inserting ''(b)(1)(A)'' after ''subsections''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(2) NONAPPLICATION OF EXEMPTION FOR OFF-HIGHWAY BUSINESS USE.—The amendment made by subsection (d)(3) shall apply to fuel sold for use or used after the date of the enactment of this Act.

(3) AMENDMENT MADE BY THE SAFETEA–LU.—The amendment made by subsection (d)(2)(C)(ii) shall take effect as if included in section 11161 of the SAFETEA–LU.

SEC. 6. AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENTS RELATED TO SECTION 710 OF THE ACT.—

(1) Clause (ii) of section 45(c)(3)(A) is amended by striking ''which is segregated from other waste materials and''.

(2) Subparagraph (B) of section 45(d)(2) is amended by inserting ''and'' at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(b) AMENDMENTS RELATED TO SECTION 848 OF THE ACT.—

(1) Section 470 is amended by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h) and by inserting after subsection (d) the following new subsection:

''(e) EXCEPTION FOR CERTAIN PARTNERSHIPS.—

''(1) IN GENERAL.—In the case of any property which would (but for this subsection) be tax-exempt use property solely by reason of section 168(h)(6), such property shall not be treated as tax-exempt use property for purposes of this section for any taxable year of the partnership if—

''(A) such property is not property of a character subject to the allowance for depreciation,

''(B) any credit is allowable under section 42 or 47 with respect to such property, or

''(C) except as provided in regulations prescribed by the Secretary under subsection (h)(4), the requirements of paragraphs (2) and (3) are met with respect to such property for such taxable year.

''(2) AVAILABILITY OF FUNDS.—

''(A) IN GENERAL.—The requirement of this paragraph is met for any taxable year with respect to any property owned by the partnership if (at all times during the taxable year) not more than the allowable partnership amount of funds are—

''(i) subject to any arrangement referred to in subparagraph (C), or

''(ii) set aside or expected to be set aside, to or for the benefit of any taxable partner of the partnership or any lender, or to or for the benefit of any tax-exempt partner of the partnership to satisfy any obligation of such tax-exempt partners to the partnership, any taxable partner of the partnership, or any lender.

''(B) ALLOWABLE PARTNERSHIP AMOUNT.—For purposes of this subsection, the term 'allowable partnership amount' means, as of any date, the greater of—

''(i) the sum of—

''(I) 20 percent of the sum of the taxable partners' capital accounts determined as of such date under the rules of section 704(b), plus

''(II) 20 percent of the sum of the taxable partners' share of the recourse liabilities of the partnership as determined under section 752, or

''(ii) 20 percent of the aggregate debt of the partnership as of such date.

''(iii) NO ALLOWABLE PARTNERSHIP AMOUNT FOR ARRANGEMENTS OUTSIDE THE PARTNERSHIP.—The allowable partnership amount shall be zero with respect to any set aside or arrangement under which any of the funds referred to in subparagraph (A) are not partnership property.

''(C) ARRANGEMENTS.—The arrangements referred to in this subparagraph include a loan by a tax-exempt partner or the partnership to any taxable partner, the partnership, or any lender and any arrangement referred to in subsection (d)(1)(B).

''(D) SPECIAL RULES.—

''(i) EXCEPTION FOR SHORT-TERM FUNDS.—Funds which are set aside, or subject to any arrangement, for a period of less than 12 months shall not be taken into account under subparagraph (A). Except as provided by the Secretary, all related set asides and arrangements shall be treated as 1 arrangement for purposes of this clause.

''(ii) ECONOMIC RELATIONSHIP TEST.—Funds shall not be taken into account under subparagraph (A) if such funds—

''(I) bear no connection to the economic relationships among the partners, and

''(II) bear no connection to the economic relationships among the partners and the partnership.

''(iii) REASONABLE PERSON STANDARD.—For purpose of subparagraph (A)(ii), funds shall be treated as set aside or expected to be set aside only if a reasonable person would conclude, based on the facts and circumstances, that such funds are set aside or expected to be set aside.

''(3) OPTION TO PURCHASE.—

''(A) IN GENERAL.—The requirement of this paragraph is met for any taxable year with respect to any property owned by the partnership if (at all times during such taxable year)—

''(i) each tax-exempt partner does not have an option to purchase (or compel distribution of) such property or any direct or indirect interest in the partnership at any time other than at the fair market value of such property or interest at the time of such purchase or distribution, and

''(ii) the partnership and each taxable partner does not have an option to sell (or compel distribution of) such property or any direct or indirect interest in the partnership to a tax-exempt partner at any time other than at the fair market value of such property or interest at the time of such sale or distribution.

''(B) OPTION FOR DETERMINATION OF FAIR MARKET VALUE.—Under regulations prescribed by the Secretary, a value of property determined on the basis of a formula shall be treated for purposes of subparagraph (A) as the fair market value of such property if such value is determined on the basis of objective criteria that are reasonably designed to approximate the fair market value of such property at the time of the purchase, sale, or distribution, as the case may be.''.

(2) Subsection (g) of section 470, as redesignated by paragraph (1), is amended by adding at the end the following new paragraphs:

''(5) TAX-EXEMPT PARTNER.—The term 'tax-exempt partner' means, with respect to any partnership, any partner of such partnership which is a tax-exempt entity within the meaning of section 168(h)(6).

''(6) TAXABLE PARTNER.—The term 'taxable partner' means, with respect to any partnership, any partner of such partnership which is not a tax-exempt partner.''.

(3) Subsection (h) of section 470, as redesignated by paragraph (1), is amended—

(A) by striking '', and'' at the end of paragraph (1) and inserting ''or owned by the same partnership,'',

(B) by striking the period at the end of paragraph (2) and inserting a comma, and

(C) by adding at the end the following new paragraphs:

''(3) provide for the application of this section to tiered and other related partnerships, and

''(4) provide for the treatment of partnership property (other than property described in subsection (e)(1)(A)) as tax-exempt use property if such property is used in an arrangement which is inconsistent with the purposes of this section determined by taking into account one or more of the following factors:

''(A) A tax-exempt partner maintains physical possession or control or holds the benefits and burdens of ownership with respect to such property.

''(B) There is insignificant equity investment in such property by any taxable partner.

''(C) The transfer of such property to the partnership does not result in a change in use of such property.

''(D) Such property is necessary for the provision of government services.

''(E) The deductions for depreciation with respect to such property are allocated disproportionately to one or more taxable partners relative to such partner's risk of loss with respect to such property or to such partner's allocation of other partnership items.

''(F) Such other factors as the Secretary may determine.''.

(4) Paragraph (2) of section 470(c) is amended—

(A) by striking ''and'' at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

''(B) by treating the entire property as tax-exempt use property if any portion of such property is treated as tax-exempt use property by reason of paragraph (6) thereof.'', and

(B) by striking the flush sentence at the end.

(5) Subparagraph (A) of section 470(d)(1) is amended by striking ''(at any time during the lease term)'' and inserting ''(at all times during the lease term)''.

(c) AMENDMENTS RELATED TO SECTION 888 OF THE ACT.—

(1) Subparagraph (A) of section 1092(a)(2) is amended by striking ''and'' at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

''(iii) if the application of clause (ii) does not result in an increase in the basis of any offsetting position in the identified straddle, the basis of each of the offsetting positions in the identified straddle shall be increased in a manner which—

''(I) is reasonable, consistent with the purposes of this paragraph, and consistently applied by the taxpayer, and

''(II) results in an aggregate increase in the basis of such offsetting positions which is equal to the loss described in clause (ii), and''.

(2)(A) Subparagraph (B) of section 1092(a)(2) is amended by adding at the end the following flush sentence:

''A straddle shall be treated as clearly identified for purposes of clause (i) only if such identification includes an identification of the positions in the straddle which are offsetting with respect other positions in the straddle.''.

(B) Subparagraph (A) of section 1092(a)(2) is amended—

(i) by striking ''identified positions'' in clause (i) and inserting ''positions'',

(ii) by striking ''identified position'' in clause (ii) and inserting ''position'', and

(iii) by striking ''identified offsetting positions'' in clause (ii) and inserting ''offsetting positions''.

(C) Subparagraph (B) of section 1092(a)(3) is amended by striking ''identified offsetting position'' and inserting ''offsetting position''.

(3) Paragraph (2) of section 1092(a) is amended by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following new subparagraph:

''(C) APPLICATION TO LIABILITIES AND OBLIGATIONS.—Except as otherwise provided by the Secretary, rules similar to the rules of clauses (ii) and (iii) of subparagraph (A) shall apply for purposes of this paragraph with respect to any position which is, or has been, a liability or obligation.''.

(4) Subparagraph (D) of section 1092(a)(2), as redesignated by paragraph (3), is amended by inserting ''the rules for the application of this section to a position which is or has been a liability or obligation, methods of loss allocation which satisfy the requirements of subparagraph (A)(iii),'' before ''and the ordering rules''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

SEC. 7. AMENDMENT RELATED TO THE JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003.

(a) AMENDMENT RELATED TO SECTION 302 OF THE ACT.—Clause (ii) of section 1(h)(11)(B) is amended by striking ''and'' at the end of subclause (II), by striking the period at the end of subclause (III) and inserting '', and'', and by adding at the end the following new subclause:

''(IV) any dividend received from a corporation which is a DISC or former DISC (as defined in section 992(a)) to the extent such dividend is paid out of the corporation's accumulated DISC income or is a deemed distribution pursuant to section 995(b)(1).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dividends received on or after September 29, 2006, in taxable years ending after such date.

SEC. 8. AMENDMENTS RELATED TO THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) AMENDMENTS RELATED TO SECTION 617 OF THE ACT.—

(1) Subclause (II) of section 402(g)(7)(A)(ii) is amended by striking ''for prior taxable years'' and inserting ''permitted for prior taxable years by reason of this paragraph''.

(2) Subparagraph (A) of section 3121(v)(1) is amended by inserting ''or consisting of designated Roth contributions (as defined in section 402A(c))'' before the comma at the end.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 9. AMENDMENT RELATED TO THE TAX RELIEF EXTENSION ACT OF 1999.

(a) AMENDMENT RELATED TO SECTION 507 OF THE ACT.—Clause (i) of section 45(e)(7)(A) is amended by striking ''placed in service by the taxpayer'' and inserting ''originally placed in service''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 507 of the Tax Relief Extension Act of 1999.

SEC. 10. AMENDMENT RELATED TO THE INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENT RELATED TO SECTION 3509 OF THE ACT.—Paragraph (3) of section 6110(i) is amended by inserting ''and related background file documents'' after ''Chief Counsel advice'' in the matter preceding subparagraph (A).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Internal Revenue Service Restructuring and Reform Act of 1998 to which it relates.

SEC. 11. CLERICAL CORRECTIONS.

(a) IN GENERAL.—

(1) Paragraph (5) of section 21(e) is amended by striking ''section 152(e)(3)(A)'' in the flush matter after subparagraph (B) and inserting ''section 152(e)(4)(A)''.

(2) Paragraph (3) of section 25C(c) is amended by striking ''section 3280'' and inserting ''part 3280''.

(3) Subsection (a) of section 34 is amended—

(A) in paragraph (1), by striking ''with respect to gasoline used during the taxable year on a farm for farming purposes'',

(B) in paragraph (2), by striking ''with respect to gasoline used during the taxable year (A) otherwise than as a fuel in a highway vehicle or (B) in vehicles while engaged in furnishing certain public passenger land transportation service'', and

(C) in paragraph (3), by striking ''with respect to fuels used for nontaxable purposes or resold during the taxable year''.

(4) Paragraph (2) of section 35(d) is amended—

(A) by striking ''paragraph (2) or (4) of'', and

(B) by striking ''(within the meaning of section 152(e)(1))'' and inserting ''(as defined in section 152(e)(4)(A))''.

(5) Paragraph (24) of section 38(b) is amended by striking ''and'' at the end.

(6) Paragraphs (2) and (3) of section 45L(c) are each amended by striking ''section 3280'' and inserting ''part 3280''.

(7) Clause (ii) of section 48A(d)(4)(B) is amended by striking ''subsection'' both places it appears.

(8) The last sentence of section 125(b)(2) is amended by striking ''last sentence'' and inserting ''second sentence''.

(9) Subclause (II) of section 167(g)(8)(C)(ii) is amended by striking ''section 263A(j)(2)'' and inserting ''section 263A(i)(2)''.

(10) Subparagraph (G) of section 1260(c)(2) is amended by adding ''and'' at the end.

(11) Paragraph (2) of section 1297(a) is amended by striking ''subsection (e)'' and inserting ''subsection (f)''.

(12) Paragraph (2) of section 1400O is amended by striking ''under of'' and inserting ''under''.

(13) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

''Sec. 1400T. Special rules for mortgage revenue bonds.''.

(14) Subsection (b) of section 4082 is amended to read as follows:

''(b) NONTAXABLE USE.—For purposes of this section, the term 'nontaxable use' means—

''(1) any use which is exempt from the tax imposed by section 4041(a)(1) other than by reason of a prior imposition of tax,

''(2) any use in a train, and

''(3) any use described in section 4041(a)(1)(C)(iii)(II).

The term 'nontaxable use' does not include the use of kerosene in an aircraft and such term shall not include any use described in section 6421(e)(2)(C).''.

(15) Paragraph (4) of section 4101(a) (relating to registration in event of change of ownership) is redesignated as paragraph (5).

(16) Paragraph (6) of section 4965(c) is amended by striking ''section 4457(e)(1)(A)'' and inserting ''section 457(e)(1)(A)''.

(17) Subpart C of part II of subchapter A of chapter 51 is amended by redesignating section 5432 (relating to recordkeeping by wholesale dealers) as section 5121.

(18) Paragraph (2) of section 5732(c), as redesignated by section 11125(b)(20)(A) of the SAFETEA–LU, is amended by striking ''this subpart'' and inserting ''this subchapter''.

(19) Paragraph (3) of section 6427(e) (relating to termination), as added by section 11113 of the SAFETEA–LU, is redesignated as paragraph (5) and moved after paragraph (4).

(20) Clause (ii) of section 6427(l)(4)(A) is amended by striking ''section 4081(a)(2)(iii)'' and inserting ''section 4081(a)(2)(A)(iii)''.

(21)(A) Section 6427, as amended by section 1343(b)(1) of the Energy Policy Act of 2005, is amended by striking subsection (p) and redesignating subsection (q) as subsection (p).

(B) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by paragraph (2) of section 11151(a) of the SAFETEA–LU had never been enacted.

(22)(A) Paragraph (3) of section 9002 is amended by striking ''section 309(a)(1)'' and inserting ''section 306(a)(1)''.

(B) Paragraph (1) of section 9004(a) is amended by striking ''section 320(b)(1)(B)'' and inserting ''section 315(b)(1)(B)''.

(C) Paragraph (3) of section 9032 is amended by striking ''section 309(a)(1)'' and inserting ''section 306(a)(1)''.

(D) Subsection (b) of section 9034 is amended by striking ''section 320(b)(1)(A)'' and inserting ''section 315(b)(1)(A)''.

(23) Section 9006 is amended by striking ''Comptroller General'' each place it appears and inserting ''Commission''.

(24) Subsection (c) of section 9503 is amended by redesignating paragraph (7) (relating to transfers from the trust fund for certain aviation fuels taxes) as paragraph (6).

(25) Paragraph (1) of section 1301(g) of the Energy Policy Act of 2005 is amended by striking ''shall take effect of the date of the enactment'' and inserting ''shall take effect on the date of the enactment''.

(b) CLERICAL AMENDMENTS RELATED TO THE GULF OPPORTUNITY ZONE ACT OF 2005.—

(1) AMENDMENTS RELATED TO SECTION 402 OF THE ACT.—Subparagraph (B) of section 24(d)(1) is amended—

(A) by striking ''the excess (if any) of'' in the matter preceding clause (i) and inserting ''the greater of'', and

(B) by striking ''section'' in clause (ii)(II) and inserting ''section 32''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which they relate.

(c) CLERICAL AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.—

(1) AMENDMENTS RELATED TO SECTION 11163 OF THE ACT.—Subparagraph (C) of section 6416(a)(4) is amended—

(A) by striking ''ultimate vendor'' and all that follows through ''has certified'' and inserting ''ultimate vendor or credit card issuer has certified'', and

(B) by striking ''all ultimate purchasers of the vendor'' and all that follows through ''are certified'' and inserting ''all ultimate purchasers of the vendor or credit card issuer are certified''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to which they relate.

(d) CLERICAL AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.—

(1) AMENDMENT RELATED TO SECTION 1344 OF THE ACT.—Subparagraph (B) of section 6427(e)(5), as redesignated by subsection (a)(19), is amended by striking ''2006'' and inserting ''2008''.

(2) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—Subparagraphs (A)(ii) and (B)(ii) of section 41(f)(1) are each amended by striking ''qualified research expenses and basic research payments'' and inserting ''qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

By Mr. HATCH.

S. 4027. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for certain professional development and other expenses of elementary and secondary school teachers and for certain certification expenses of individuals becoming science, technology engineering, or math teachers; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce legislation designed to make the tax laws more fair for America's primary and secondary school teachers.

Our public school teachers are some of the unheralded heroes of our society.

These women and men dedicate their careers to educating the young people of America.

School teachers labor in often difficult and even dangerous circumstances. In most places, including in my home State of Utah, the salary of the average public school teacher is significantly below the national average.

A historic turnover is taking place in the teaching profession. While student enrollments are rising rapidly, more than a million veteran teachers are nearing retirement.

Experts predict that overall we will need more than two million new teachers in the next decade.

This teacher recruitment problem has reached crisis proportions in some urban and rural areas. The shortage is most acute in high-need subject areas such as math, science, and technology.

Retaining qualified teachers in the schools is only part of the puzzle. Attracting new teachers in math, science, and technology is another. It is clear that our teacher recruitment problem represents one the biggest challenges America faces as we contemplate how we are going to prepare the next generation to take their places in our society and in our economy.

Unfortunately, these problems of retention and recruitment of public school teachers are exacerbated by the unfair tax treatment these professionals currently receive under our tax law. Specifically, teachers find themselves greatly disadvantaged by the lack of deductibility of professional development expenses and of the out-of-pocket costs of classroom materials that practically all teachers find themselves supplying. Let me explain.

As many other professionals, most elementary and secondary school teachers regularly incur expenses to keep themselves current in their field of knowledge. These include subscriptions to journals and other periodicals as well as the cost of courses and seminars designed to improve their knowledge or teaching skills. These expenditures are necessary to keep our teachers up to date on the latest ideas, techniques, and trends so that they can provide our children with the best education possible.

Furthermore, almost all teachers find themselves providing basic classroom materials for their students. Because of tight education budgets, most schools do not provide 100 percent of the material teachers need to adequately present their lessons. As a result, dedicated teachers incur personal expenses for copies, art supplies, books, puzzles and games, paper, pencils, and countless other needs. If not for the willingness of teachers to purchase these supplies themselves, many students would simply go without needed materials.

I realize that employees in many fields of endeavor incur expenses for professional development and out-of-pocket expenses. In many cases, however, these costs are fully reimbursed by the employer. This is seldom the case with school teachers. Other professionals who are self-employed are able to fully deduct these types of expenses.

Under the current tax law, unreimbursed employee expenses are deductible generally, but only as miscellaneous itemized deductions. However,

there are two practical hurdles that effectively make these expenses non-deductible for most teachers.

The first hurdle is that the total amount of a taxpayer's deductible miscellaneous deductions must exceed two percent of adjusted gross income before they begin to be deductible.

The second hurdle is that the amount in excess of the two percent floor, if any, combined with all other deductions of the taxpayer, must exceed the standard deduction before the teacher can itemize. Only about a third of taxpayers have enough deductions to itemize.

The unfortunate effect of these two limitations is that, as a practical matter, only a small proportion of teachers are able to deduct their professional development and out-of-pocket supplies expenses.

Let me illustrate this unfair situation with an example.

Let us consider the case of a fifth-year high school English teacher in Utah whom I will call Alice White Head. Alice is single and earns $48,000 per year. Last year she incurred $1,050 for a course she took over the summer to increase her knowledge of English literature. She also spent $450 for classroom supplies out of her own pocket. She was not reimbursed for either of these expenses, which totaled $1,500, by her school district. Under current law, Alice's expenditures are deductible, subject to the limitations I mentioned. The first limitation is that her expenses must exceed two percent of her income before they begin to be deductible. Two percent of $48,000 is $960. Thus, only $540 of her $1,500 total expenses is deductible, that portion that exceeds $960.

As a single taxpayer, Alice's standard deduction for 2006 is $5,150. Her total itemized deductions, including the $540 in miscellaneous deductions for her professional expenses and out-of-pocket classroom supplies, fall short of the standard deduction threshold. Therefore, not even the $540 of the original $1,500 in professional development expenses and out-of-pocket costs are deductible for Alice. What the first limitation did not block, the second one did, and Alice gets no deduction at all under the current law.

The way I see it, this situation is just not fair. Also, the tax treatment of teacher's expenses certainly does not help solve our teacher retention and recruitment problems.

To help alleviate this long-standing problem, five years ago I introduced the Teacher Equity for School Teachers Act of 2001. This legislation would have provided an unlimited tax deduction for the out-of-pocket expenses of school teachers for classroom supplies and other needed materials to help a teacher do his or her job. The bill would have also allowed teachers to take a deduction for their professional development expenses.

Rather than being available only for those who are able to itemize their deductions, this bill would have made these expenses ''above-the-line'' deductions, meaning they would be deductible whether or not the teacher itemized on their tax return.

Unfortunately, only a part of this bill was enacted. The 2001 tax bill included an above-the-line deduction for $250 for the costs of classroom expenses. While this was a great step in the right direction, it did not go nearly far enough. Moreover, the provision has now expired, and it is not clear when Congress is going to extend it.

The bill I am introducing today would do three things. First, it would reinstate the above-the-line deduction for teachers' out-of-pocket expenses for classroom supplies, make it permanent, and remove the $250 cap. Second, it would provide an unlimited deduction for the professional development expenses for school teachers. Finally, to assist in the recruitment of teachers in the most needed fields, it would provide an unlimited deduction for the cost of professionals in the fields of math, science, and technology to certify to become public school teachers.

Under my bill, the Alice of my example would be allowed to deduct all $1,500 of her professional development and classroom supplies expenses, whether she itemized or not. This would help provide tax equity, and a measure of much-needed tax relief for an underpaid professional. It would also help retain current public school teachers and attract new ones to this vital field.

Some might argue that such a generous deduction would be giving teachers preferential treatment. I disagree.

Most organizations provide training for their employees that is fully deductible to the organization and nontaxable to the employee. Yet public teachers, who are some of the most important professionals in our society, are left to foot the bill for these needed costs on their own. Also, office supplies and instructional materials are fully deductible to businesses. Should not teachers who provide these similar materials for their classrooms be afforded the same tax treatment?

Others may question the wisdom of my bill granting an unlimited tax deduction. ''Why not place a limit or a cap on the amount that may be deducted?'' some might ask. Again, I respectfully disagree with such critics. It is important to keep in mind the differences between a tax deduction and a tax credit. My bill calls for tax deductions, which reduce the amount of income that is subject to tax, and not for a credit, which is a dollar-for-dollar reduction in the amount of tax that is due.

With a tax deduction, a public school teacher is not receiving a cash subsidy or reimbursement for his or her expenses. Rather, he or she is merely obtaining a reduction in the amount of income that is taxed. Thus, the most benefit the teacher would receive under my bill would be a 35 percent reduction in the cost of the professional development, supplies, or certification expenses. This means that the teacher is still responsible for paying for the biggest portion of these costs. I do not believe that our public school teachers will abuse such an unlimited deduction. They will use their common sense and they will spend the appropriate amounts for their expenses.

Support for mathematics and science education at all levels is necessary to improve the global competitiveness of the United States in science and energy technology.

I endorse the efforts of my some of my colleagues to encourage more of our best and brightest students choose these fields of study. Support for qualified STEM teachers (Science, Technology, Engineering, and Mathematics) is equally important. If we are successful in increasing the supply for STEM students, we will need to increase the supply of STEM teachers.

This bill will provide incentives for these professionals to enter the teaching profession by allowing expenses in connection with teacher certification to be fully deductible, above-the-line, the same as the professional development and supplies expenses of teaching professionals.

Mr. President, this bill would provide modest tax equity for teachers who, for too long, have been footing the bill for improving the quality of teaching by themselves. It is time that Congress recognized this unfairness and corrected it.

I thank the Senate for the opportunity to address this issue today, and I urge my colleagues to support this legislation.

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

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

S. 4027

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 ''Tax Equity for School Teachers Act of 2006''.

SEC. 2. DEDUCTION FOR CERTAIN PROFESSIONAL DEVELOPMENT EXPENSES AND CLASSROOM SUPPLIES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS AND FOR CERTAIN CERTIFICATION EXPENSES OF SCIENCE, TECHNOLOGY, ENGINEERING, OR MATH TEACHERS.

(a) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES OTHER DEDUCTIONS.—Subparagraph (D) of section 62(a)(2) of the Internal Revenue Code of 1986 (relating to certain expenses of elementary and secondary school teachers) is amended to read as follows:

''(D) CERTAIN PROFESSIONAL DEVELOPMENT EXPENSES, CLASSROOM SUPPLIES, AND OTHER EXPENSES FOR ELEMENTARY AND SECONDARY TEACHERS.—The sum of the deductions allowed by section 162 with respect to the following expenses:

''(i) Expenses paid or incurred by an eligible educator in connection with books, supplies (other than nonathletic supplies for

courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by the eligible educator in the classroom.

''(ii) Expenses paid or incurred by an eligible educator which constitute qualified professional development expenses.

''(iii) Expenses which are related to the initial certification of an individual (in the individual's State licensing system) as a qualified science, technology, engineering or math teacher.''.

(b) DEFINITIONS AND SPECIAL RULES.—Section 62(d) of the Internal Revenue Code of 1986 (relating to definitions and special rules is amended by redesignating paragraph (2) as paragraph (5) and by adding after paragraph (1) the following new paragraphs:

''(2) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.—For purposes of subsection (a)(2)(D)—

''(A) IN GENERAL.—The term 'qualified professional development expenses' means expenses for tuition, fees, books, supplies, equipment, and transportation required for the enrollment or attendance of an individual in a qualified course of instruction.

''(B) QUALIFIED COURSE OF INSTRUCTION.—The term 'qualified course of instruction' means a course of instruction which—

''(i) is—

''(I) directly related to the curriculum and academic subjects in which an eligible educator provides instruction,

''(II) designed to enhance the ability of an eligible educator to understand and use State standards for the academic subjects in which such teacher provides instruction, or

''(III) designed to enable an eligible educator to meet the highly qualified teacher requirements under the No Child Left Behind Act of 2001,

''(ii) may provide instruction to an eligible educator—

''(I) in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented), or

''(II) in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subclause (I) to learn,

''(iii) is tied to the ability of an eligible educator to enable students to meet challenging State or local content standards and student performance standards,

''(iv) is tied to strategies and programs that demonstrate effectiveness in assisting an eligible educator in increasing student academic achievement and student performance, or substantially increasing the knowledge and teaching skills of an eligible educator, and

''(v) is part of a program of professional development for eligible educators which is approved and certified by the appropriate local educational agency as furthering the goals of the preceding clauses.

''(C) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term by section 14101 of the Elementary and Secondary Education Act of 1965, as in effect on the date of the enactment of this subsection.

''(3) QUALIFIED SCIENCE, TECHNOLOGY, ENGINEERING, OR MATH TEACHER.—For purposes of subsection (a)(2)(D), the term 'qualified science, technology, engineering, or math teacher' means, with respect to a taxable year, an individual who—

''(A) has a bachelor's degree or other advanced degree in a field related to science, technology, engineering, or math,

''(B) was employed as a nonteaching professional in a field related to science, technology, engineering, or math for not less than 3 taxable years during the 10-taxable-year period ending with the taxable year,

''(C) is certified as a teacher of science, technology, engineering, or math in the individual's State licensing system for the first time during such taxable year, and

''(D) is employed at least part-time as a teacher of science, technology, engineering, or math in an elementary or secondary school during such taxable year.

''(4) EXEMPTION FROM MINIMUM EDUCATION OR NEW TRADE OR BUSINESS EXCEPTION.—For purposes of applying subsection (a)(2)(D) and this subsection, the determination as to whether qualified professional development expenses, or expenses for the initial certification described in subsection (a)(2)(D)(iii), are deductible under section 162 shall be made without regard to any disallowance of such a deduction under such section for such expenses because such expenses are necessary to meet the minimum educational requirements for qualification for employment or qualify the individual for a new trade or business.''.

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

By Mr. MENENDEZ:

S. 4028. A bill to fight criminal gangs; to the Committee on the Judiciary.

Mr. MENENDEZ. Mr. President, today, all across America, organized criminal gangs plague our communities, destroying the lives of thousands of young children each and every year. Unfortunately, this plague is currently not being treated effectively, and as a result has grown in size and power in almost every State in the Nation. Indeed, gang violence is no longer a State and local issue that predominantly occurs in highly urbanized areas, but has escalated into a national issue that affects our country as a whole.

In light of this, it is clear that we must recalibrate our efforts—and in addition to our local initiatives—to comprehensively confront gang violence at the national level. That is why I rise today to introduce the Fighting Gangs and Empowering Youth Act of 2006. Addressing the efforts of Federal, State, and local agencies, this legislation would comprehensively deal with all aspects of gang violence, from rigorously enforcing and appropriately sentencing criminal acts, to preventing future gang members from being recruited and such crimes from occurring.

To reduce the number of young potential recruits gangs prey upon, this bill would authorize funds for after-school and community-based programs designed to economically empower young people. Disadvantaged students will be given the opportunity to realize their potential, through tutoring, mentoring, and job training programs as well as college preparation classes and tuition assistance. Additionally, millions of dollars would be authorized to enhance and expand anti-gang and anti-violence programs in elementary and secondary schools, ensuring that students can focus solely on learning, without having to be concerned for their personal safety. By providing ''at-risk'' youth with such resources and opportunities necessary to succeed in life, they will be far less susceptible to join a criminal gang.

The legislation would also expand adult and juvenile offender reentry demonstration projects to help with post-release and transitional housing, while promoting programs that hire former prisoners, and establish reentry planning procedures within communities. Prisoners with drug addictions would be forced to participate in treatment programs to be eligible for early release, which would be continued in their transition period back into society. All offenders would be encouraged to participate in educational initiatives such as, job training, GED preparation, along with a myriad of other programs. These initiatives are designed to provide offenders with the skills necessary to become legally employed when they are released from prison, which will reduce, hopefully significantly, their recidivism rates.

In addition to programs focused on gang violence prevention, my proposal would provide law enforcement officials on every level of government with the resources and information they need to accurately track and effectively neutralize criminal gangs. Specifically, this legislation would establish a program similar to the current Community Oriented Policing Services (COPS) program, to augment the number of police officers patrolling the streets of our local communities, and would authorize $700 million annually for it. Additional funds would be used not only to increase the number of officers combating gangs, but also to provide additional forensic examiners to investigate, and more attorneys to prosecute, gang crimes.

As is true with almost all problems, a better understanding of how gangs operate translates into a better understanding of how best to counter them. That is why this legislation would authorize increased funding for the National Youth Gang Survey to increase the number of law enforcement agencies whose data is collected and included in the annual survey and provide up to $8 million per year to upgrade technology to better identify gang members and include them in the National Gang Database. Additionally, this legislation would expand the Uniform Crime Reports (UCRs) to include local gang and other crime statistics from the municipal level, while also requiring the Attorney General to distinguish those crimes committed by juveniles. The bill also requires consolidation and standardization of all criminal databases, enabling law enforcement all across this country to better share information.

For those who still choose a life a crime, this proposal would increase the penalties proscribed for crimes committed in the furtherance of a gang. Gangs are dependent on committing

crimes such as witness intimidation, illegal firearm possession, and drug trafficking, implementing these instruments to augment their power. Subsequently, when these crimes are committed in the furtherance of gang activity, they can be more detrimental to society than if they were committed in isolation. Thus, these tougher sentencing requirements for crimes committed in the furtherance of a gang are not only appropriate, but necessary to deter gang violence and shield society from its most dangerous and unremorseful criminals.

This legislation would also attack one of the roots of gang violence—gang recruiters, who seek out young, economically disadvantaged, at-risk youth and pressure them to join. Currently, there is no law specifically forbidding gang recruitment. This legislation would change that—making it illegal to do so—and would incarcerate an offender for up to 5 years if the person being recruited was over the age of 18, or up to 10 years if the individual was under the age of 18.

Taken together, the provisions of this bill develop a comprehensive approach to gang violence by focusing on prevention, deterrence, and enforcement. To not address all of these gang violence catalysts in their entirety would leave us with an incomprehensive approach that would do little to quell the scourge of gang violence. Therefore, I urge my colleagues to cosponsor the Fighting Gangs and Empowering Youth Act, and by doing so, give law enforcement and our communities the means to thoroughly and comprehensively counter the growing specter of gang violence that afflicts our great Nation.

I ask unanimous consent 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. 4028

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Fighting Gangs and Empowering Youth Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—PREVENTION AND ECONOMIC EMPOWERMENT

Sec. 101. Reauthorization of certain after-school programs.
Sec. 102. Reauthorization of Safe and Drug-Free Schools and Communities Act.
Sec. 103. Public and assisted housing gang elimination.
Sec. 104. Demonstration grants to encourage creative approaches to gang activity and after-school programs.
Sec. 105. Reauthorization of adult and juvenile offender State and local reentry demonstration projects.
Sec. 106. Children of incarcerated parents and families.
Sec. 107. Encouragement of employment of former prisoners.
Sec. 108. Federal resource center for children of prisoners.
Sec. 109. Use of violent offender truth-in-sentencing grant funding for demonstration project activities.
Sec. 110. Grants to study parole or post-incarceration supervision violations and revocations.
Sec. 111. Improvement of the residential substance abuse treatment for State prisoners program.
Sec. 112. Residential drug abuse program in Federal prisons.
Sec. 113. Removal of limitation on amount of funds available for corrections education programs under the Adult Education and Family Literacy Act.
Sec. 114. Technical amendment to drug-free student loans provision to ensure that it applies only to offenses committed while receiving Federal aid.
Sec. 115. Mentoring grants to nonprofit organizations.
Sec. 116. Clarification of authority to place prisoner in community corrections.
Sec. 117. Grants to States for improved workplace and community transition training for incarcerated youth offenders.
Sec. 118. Improved reentry procedures for Federal prisoners.
Sec. 119. Reauthorization of Learn and Serve America.
Sec. 120. Job Corps.
Sec. 121. Workforce Investment Act youth activities.
Sec. 122. Expansion and reauthorization of the mentoring initiative for system involved youth.
Sec. 123. Strategic community planning program.
Sec. 124. Reauthorization of the Gang Resistance Education and Training Projects Program and increase funding for the national youth gang survey.

TITLE II—SUPPRESSION AND COMMUNITY ANTI-GANG INITIATIVES

Subtitle A—Gang Activity Policing Program

Sec. 201. Authority to make gang activity policing grants.
Sec. 202. Eligible activities.
Sec. 203. Preferential consideration of applications for certain grants.
Sec. 204. Utilization of components.
Sec. 205. Minimum amount.
Sec. 206. Matching funds.
Sec. 207. Authorization of appropriations.

Subtitle B—High Intensity Interstate Gang Activity Areas

Sec. 211. Designation of and assistance for ''high intensity'' interstate gang activity areas.

Subtitle C—Additional Funding

Sec. 221. Additional resources needed by the Federal Bureau of Investigation to investigate and prosecute violent criminal street gangs.
Sec. 222. Grants to prosecutors and law enforcement to combat violent crime and to protect witnesses and victims of crimes.
Sec. 223. Enhancement of Project Safe Neighborhoods initiative to improve enforcement of criminal laws against violent gangs.

TITLE III—PUNISHMENT AND IMPROVED CRIME DATA

Sec. 301. Criminal street gangs.
Sec. 302. Violent crimes in furtherance or in aid of criminal street gangs.
Sec. 303. Interstate and foreign travel or transportation in aid of racketeering enterprises and criminal street gangs.
Sec. 304. Amendments relating to violent crime in areas of exclusive Federal jurisdiction.
Sec. 305. Increased penalties for use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence.
Sec. 306. Increased penalties for violent crimes in aid of racketeering activity.
Sec. 307. Violent crimes committed during and in relation to a drug trafficking crime.
Sec. 308. Expansion of rebuttable presumption against release of persons charged with firearms offenses.
Sec. 309. Statute of limitations for violent crime.
Sec. 310. Predicate crimes for authorization of interception of wire, oral, and electronic communications.
Sec. 311. Clarification to hearsay exception for forfeiture by wrongdoing.
Sec. 312. Clarification of venue for retaliation against a witness.
Sec. 313. Amendment of sentencing guidelines relating to certain gang and violent crimes.
Sec. 314. Solicitation or recruitment of persons in criminal street gang activity.
Sec. 315. Increased penalties for criminal use of firearms in crimes of violence and drug trafficking.
Sec. 316. Possession of firearms by dangerous felons.
Sec. 317. Standardization of crime reporting.
Sec. 318. Providing additional forensic examiners.
Sec. 319. Study on expanding Federal authority for juvenile offenders.

TITLE I—PREVENTION AND ECONOMIC EMPOWERMENT

SEC. 101. REAUTHORIZATION OF CERTAIN AFTER-SCHOOL PROGRAMS.

(a) 21ST CENTURY COMMUNITY LEARNING CENTERS.—Section 4206 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7176) is amended—

(1) in paragraph (5), by striking ''$2,250,000,000'' and inserting ''$2,500,000,000''; and

(2) in paragraph (6), by striking ''$2,500,000,000'' and inserting ''$2,750,000,000''.

(b) CAROL M. WHITE PHYSICAL EDUCATION PROGRAM.—Section 5401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241) is amended—

(1) by striking ''There are'' and inserting ''(a) IN GENERAL.—There are''; and

(2) by adding at the end the following:

''(b) PHYSICAL EDUCATION.—In addition to the amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated $73,000,000 for each of fiscal years 2007 and 2008 to carry out subpart 10.''.

(c) FEDERAL TRIO PROGRAMS.—Section 402A(f) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(f)) is amended by striking ''$700,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''$883,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years''.

(d) GEARUP.—Section 404H of the Higher Education Act of 1965 (20 U.S.C. 1070a–28) is amended by striking ''$200,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and

inserting ''$325,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years''.

SEC. 102. REAUTHORIZATION OF SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ACT.

(a) SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES.—Section 4003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7103) is amended—

(1) in paragraph (1), by striking ''$650,000,000 for fiscal year 2002'' and inserting ''$700,000,000 for fiscal year 2007''; and

(2) in paragraph (2), by striking ''such sums for fiscal year 2002, and'' and inserting ''$400,000,000 for fiscal year 2007''.

(b) NATIONAL COORDINATOR INITIATIVE.—Section 4125 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7135(a)) is amended—

(1) in subsection (a)—

(A) by striking ''From funds made available to carry out this subpart under section 4003(2), the Secretary may provide'' and inserting ''From amounts made available to carry out this subpart under section 4003(2) for each fiscal year, the Secretary shall reserve not less than $40,000,000 to provide''; and

(B) by inserting '', gang prevention,'' after ''drug prevention''; and

(2) in subsection (b)—

(A) in the first sentence—

(i) by inserting '', gang prevention,'' after ''serve as drug prevention''; and

(ii) by inserting '', gang,'' after ''significant drug''; and

(B) in the second sentence, by inserting '', gang,'' after ''analyzing assessments of drug''.

(c) MENTORING PROGRAM.—Section 4130(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7140(b)) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1), by striking ''The Secretary may award grants from funds made available to carry out this subpart under section 4003(2)'' and inserting ''From amounts made available to carry out this subpart under section 4003(2) for each fiscal year, the Secretary shall reserve not less than $50,000,000 to award grants'';

(2) in paragraph (5)(B)(i), by inserting ''elementary school and middle school'' after ''serves''; and

(3) in paragraph (5)(C)(ii)(IV), by striking ''4th'' and inserting ''kindergarten''.

(d) ANTI-GANG DISCRETIONARY GRANTS.—Subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7131 et seq.) is amended by adding at the end the following:

''SEC. 4131. ANTI-GANG DISCRETIONARY GRANTS.

''(a) AUTHORITY TO MAKE GRANTS.—From amounts made available to carry out this subpart under section 4003(2) for each fiscal year, the Secretary shall reserve not less than $50,000,000 to award grants, on a competitive basis, to nonprofit organizations to enable the nonprofit organizations to establish programs to assist a public elementary school or middle school in providing an innovative approach—

''(1) to combat gang activity in the school and the community surrounding the school; and

''(2) to heighten awareness of, and provide tools to reduce, gang violence in the school and the community surrounding the school.

''(b) APPLICATION.—To be eligible to receive a grant under this section, a nonprofit organization shall submit an application to the Secretary.

''(c) PRIORITY CONSIDERATION.—In awarding grants under this section, the Secretary shall give priority consideration to applications describing programs that target youth living in a community with a crime level above the average crime level of the State in which the community is located.''.

SEC. 103. PUBLIC AND ASSISTED HOUSING GANG ELIMINATION.

(a) SHORT TITLE.—This section may be cited as the ''Public and Assisted Housing Gang Elimination Act of 2006''.

(b) PUBLIC AND ASSISTED HOUSING.—Title V of Public Law 100–690 is amended by adding at the end the following:

''Subtitle H—Public and Assisted Housing Drug Elimination

''SEC. 5401. AUTHORITY TO MAKE GRANTS.

''The Secretary of Housing and Urban Development, in accordance with the provisions of this subtitle, may make grants to public housing agencies (including Indian Housing Authorities) and private, for-profit and nonprofit owners of federally assisted low-income housing for use in eliminating gang related crime.

''SEC. 5402. ELIGIBLE ACTIVITIES.

''Grants under this subtitle may be used in public housing or other federally assisted low-income housing projects for—

''(1) the employment of security personnel;

''(2) reimbursement of local law enforcement agencies for additional security and protective services;

''(3) physical improvements which are specifically designed to enhance security;

''(4) the employment of 1 or more individuals—

''(A) to investigate gang related crime on or about the real property comprising any public or other federally assisted low-income housing project; and

''(B) to provide evidence relating to such crime in any administrative or judicial proceeding;

''(5) the provision of training, communications equipment, and other related equipment for use by voluntary tenant patrols acting in cooperation with local law enforcement officials;

''(6) programs designed to reduce gang activity in and around public or other federally assisted low-income housing projects, including encouraging teen-driven approaches to gang activity prevention;

''(7) providing funding to nonprofit public housing resident management corporations and resident councils to develop security and gang prevention programs involving site residents.

''SEC. 5403. APPLICATIONS.

''(a) IN GENERAL.—To receive a grant under this subtitle, a public housing agency or an owner of federally assisted low-income housing shall submit an application to the Secretary, at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require. Such application shall include a plan for addressing the problem of gang related crime on the premises of the housing administered or owned by the applicant for which the application is being submitted.

''(b) CRITERIA.—Except as provided by subsections (c) and (d) the Secretary shall approve applications under this subtitle based exclusively on—

''(1) the extent of the gang related crime problem in the public or federally assisted low-income housing project or projects proposed for assistance;

''(2) the quality of the plan to address the crime problem in the public or federally assisted low-income housing project or projects proposed for assistance, including the extent to which the plan includes initiatives that can be sustained over a period of several years;

''(3) the capability of the applicant to carry out the plan; and

''(4) the extent to which tenants, the local government, and the local community support and participate in the design and implementation of the activities proposed to be funded under the application.

''(c) FEDERALLY ASSISTED LOW-INCOME HOUSING.—In addition to the selection criteria specified in subsection (b), the Secretary may establish other criteria for the evaluation of applications submitted by owners of federally assisted low-income housing, except that such additional criteria shall be designed only to reflect—

''(1) relevant differences between the financial resources and other characteristics of public housing authorities and owners of federally assisted low-income housing; or

''(2) relevant differences between the problem of gang related crime in public housing and the problem of gang related crime in federally assisted low-income housing.

''(d) HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS.—In evaluating the extent of the gang related crime problem pursuant to subsection (b), the Secretary may consider whether housing projects proposed for assistance are located in a high intensity interstate gang activity area designated pursuant to section 211 of the Fighting Gangs and Empowering Youth Act of 2006.

''SEC. 5404. DEFINITIONS.

''For the purposes of this subtitle, the following definitions shall apply:

''(1) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

''(2) FEDERALLY ASSISTED LOW-INCOME HOUSING.—The term 'federally assisted low-income housing' means housing assisted under—

''(A) section 221(d)(3), section 221(d)(4), or 236 of the National Housing Act;

''(B) section 101 of the Housing and Urban Development Act of 1965; or

''(C) section 8 of the United States Housing Act of 1937.

''SEC. 5405. IMPLEMENTATION.

''The Secretary shall issue regulations to implement this subtitle within 180 days after the date of enactment of the Fighting Gangs and Empowering Youth Act of 2006.

''SEC. 5406. REPORTS.

''The Secretary shall require grantees to provide periodic reports that include the obligation and expenditure of grant funds, the progress made by the grantee in implementing the plan described in section 5403(a), and any change in the incidence of gang related crime in projects assisted under this chapter.

''SEC. 5407. MONITORING.

''The Secretary shall audit and monitor the programs funded under this subtitle to ensure that assistance provided under this subtitle is administered in accordance with the provisions of this subtitle.

''SEC. 5408. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $200,000,000 for each of the fiscal years 2007 through 2011. Any amount appropriated under this section shall remain available until expended.

''(b) SET-ASIDE FOR ASSISTED HOUSING.—Of any amount made available in any fiscal year to carry out this subtitle, not more than 6.25 percent of such amount shall be available for grants for federally assisted low-income housing.''.

(c) CONFORMING AMENDMENTS.—The table of contents for title V of Public Law 100–690 is amended by inserting the following new items:

''Subtitle H—Public and Assisted Housing Drug Elimination

''Sec. 5401. Authority to make grants.

''Sec. 5402. Eligible activities.
''Sec. 5403. Applications.
''Sec. 5404. Definitions.
''Sec. 5405. Implementation.
''Sec. 5406. Reports.
''Sec. 5407. Monitoring.
''Sec. 5408. Authorization of appropriations.''.

SEC. 104. DEMONSTRATION GRANTS TO ENCOURAGE CREATIVE APPROACHES TO GANG ACTIVITY AND AFTER-SCHOOL PROGRAMS.

(a) IN GENERAL.—The Attorney General may make grants to public or nonprofit private entities (including faith-based organizations) for the purpose of assisting the entities in demonstrating innovative approaches to combat gang activity.

(b) CERTAIN APPROACHES.—Approaches under subsection (a) may include the following:

(1) Encouraging teen-driven approaches to gang activity prevention.

(2) Educating parents to recognize signs of problems and potential gang involvement in their children.

(3) Teaching parents the importance of a nurturing family and home environment to keep children out of gangs.

(4) Facilitating communication between parents and children, especially programs that have been evaluated and proven effective.

(c) MATCHING FUNDS.—

(1) IN GENERAL.—With respect to the costs of the project to be carried out under subsection (a) by an applicant, a grant may be made under such subsection only if the applicant agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs ($1 for each $3 of Federal funds provided in the grant).

(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(d) EVALUATION OF PROJECTS.—The Attorney General shall establish criteria for the evaluation of projects under subsection (a). A grant may be made under such subsection only if the applicant involved—

(1) agrees to conduct evaluations of the project in accordance with such criteria;

(2) agrees to submit to the Attorney General such reports describing the results of the evaluations as the Attorney General determines to be appropriate; and

(3) submits to the Attorney General, in the application under subsection (e), a plan for conducting the evaluations.

(e) APPLICATION FOR GRANT.—A grant may be made under subsection (a) only if an application for the grant is submitted to the Attorney General and the application is in such form, is made in such manner, and contains such agreements, assurances, and information, including the agreements under subsections (c) and (d) and the plan under subsection (d)(3), as the Attorney General determines to be necessary to carry out this section.

(f) REPORT TO CONGRESS.—Not later than October 1, 2011, the Attorney General shall submit to Congress a report describing the extent to which projects under subsection (a) have been successful in reducing the rate of gang activity in the communities in which the projects have been carried out. Such reports shall describe the various approaches used under subsection (a) and the effectiveness of each of the approaches.

(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $5,000,000 for each of the fiscal years 2007 through 2011.

SEC. 105. REAUTHORIZATION OF ADULT AND JUVENILE OFFENDER STATE AND LOCAL REENTRY DEMONSTRATION PROJECTS.

(a) ADULT AND JUVENILE OFFENDER DEMONSTRATION PROJECTS AUTHORIZED.—Section 2976(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b)) is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) establishing or improving the system or systems under which—

''(A) the correctional agency of the State or local government develops and carries out plans to facilitate the reentry into the community of each offender in State or local custody;

''(B) the supervision and services provided to offenders in State or local custody are coordinated with the supervision and services provided to offenders after reentry into the community;

''(C) the efforts of various public and private entities to provide supervision and services to offenders after reentry into the community, and to family members of such offenders, are coordinated; and

''(D) offenders awaiting reentry into the community are provided with documents (such as identification papers, referrals to services, medical prescriptions, job training certificates, apprenticeship papers, and information on obtaining public assistance) useful in achieving a successful transition from prison, jail, or detention;

''(2) carrying out programs and initiatives by units of local government to strengthen reentry services for individuals released from local jails;

''(3) enabling jail or prison mentors of offenders to remain in contact with those offenders, including through the use of such technology as videoconferencing, during incarceration and after reentry into the community and encouraging the involvement of prison or jail mentors in the reentry process;

''(4) providing structured post-release housing and transitional housing, including group homes for recovering substance abusers, through which offenders are provided supervision and services immediately following reentry into the community;

''(5) assisting offenders in securing permanent housing upon release or following a stay in transitional housing;

''(6) providing continuity of health services (including screening, assessment, and aftercare for mental health services, substance abuse treatment and aftercare, and treatment for contagious diseases) to offenders in custody and after reentry into the community;

''(7) providing offenders with education, job training, responsible parenting and healthy relationship skills training designed specifically for addressing the needs of incarcerated and transitioning fathers and mothers, English as a second language programs, work experience programs, self-respect and life skills training, and other skills useful in achieving a successful transition from prison;

''(8) facilitating collaboration among corrections and community corrections, technical schools, community colleges, and the workforce development and employment service sectors to—

''(A) promote, where appropriate, the employment of people released from prison and jail, through efforts such as educating employers about existing financial incentives, and facilitate the creation of job opportunities, including transitional jobs and time limited subsidized work experience (where appropriate), for this population that will benefit communities;

''(B) connect inmates to employment, including supportive employment and employment services, before their release to the community, to provide work supports, including transportation and retention services, as appropriate, and identify labor market needs to ensure that education and training are appropriate; and

''(C) address barriers to employment, including licensing that are not directly connected to the crime committed and the risk that the ex-offender presents to the community, and provide case management services as necessary to prepare offenders for jobs that offer the potential for advancement and growth;

''(9) assessing the literacy and educational needs of offenders in custody and identifying and providing services appropriate to meet those needs, including follow-up assessments and long-term services;

''(10) systems under which family members of offenders are involved in facilitating the successful reentry of those offenders into the community, including removing obstacles to the maintenance of family relationships while the offender is in custody, strengthening the family's capacity to function as a stable living situation during reentry where appropriate, and involving family members in the planning and implementation of the reentry process;

''(11) programs under which victims are included, on a voluntary basis, in the reentry process;

''(12) identifying and addressing barriers to collaborating with child welfare agencies in the provision of services jointly to offenders in custody and to the children of such offenders;

''(13) carrying out programs that support children of incarcerated parents, including those in foster care and those cared for by grandparents or other relatives, commonly referred to as kinship care, including mentoring children of prisoners programs;

''(14) carrying out programs for the entire family unit, including the coordination of service delivery across agencies;

''(15) implementing programs in correctional agencies to include the collection of information regarding any dependent children of an incarcerated person as part of intake procedures, including the number of children, age, and location or jurisdiction, and connect identified children with services as appropriate and needed;

''(16) addressing barriers to the visitation of children with an incarcerated parent, and maintenance of the parent-child relationship as appropriate to the safety and well-being of the children, such as the location of facilities in remote areas, telephone costs, mail restrictions, and visitation policies;

''(17) creating, developing, or enhancing prisoner and family assessments curricula, policies, procedures, or programs (including mentoring programs) to help prisoners with a history or identified risk of domestic violence, dating violence, sexual assault, or stalking reconnect with their families and communities, as appropriate (or when it is safe to do so), and become mutually respectful, nonabusive parents or partners, under which particular attention is paid to the safety of children affected and the confidentiality concerns of victims, and efforts are coordinated with existing victim service providers;

''(18) developing programs and activities that support parent-child relationships, such as—

''(A) using telephone conferencing to permit incarcerated parents to participate in parent-teacher conferences;

''(B) using videoconferencing to allow virtual visitation when incarcerated persons are more than 100 miles from their families;

''(C) the development of books on tape programs, through which incarcerated parents read a book into a tape to be sent to their children;

''(D) the establishment of family days, which provide for longer visitation hours or family activities;

''(E) the creation of children's areas in visitation rooms with parent-child activities;

''(F) the implementation of programs to help incarcerated fathers and mothers stay connected to their children and learn responsible parenting and healthy relationship skills; or

''(G) mentoring children of prisoners program;

''(19) expanding family-based treatment centers that offer family-based comprehensive treatment services for parents and their children as a complete family unit;

''(20) conducting studies to determine who is returning to prison or jail and which of those returning prisoners represent the greatest risk to community safety;

''(21) developing or adopting procedures to ensure that dangerous felons are not released from prison prematurely;

''(22) developing and implementing procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

''(23) developing and implementing procedures to identify efficiently and effectively those violators of probation, parole, or post incarceration supervision who should be returned to prison or jail;

''(24) utilizing validated assessment tools to assess the risk factors of returning inmates and prioritizing services based on risk;

''(25) facilitating and encouraging timely and complete payment of restitution and fines by ex-offenders to victims and the community;

''(26) establishing or expanding the use of reentry courts and other programs to—

''(A) monitor offenders returning to the community;

''(B) provide returning offenders with—

''(i) drug and alcohol testing and treatment; and

''(ii) mental and medical health assessment and services;

''(C) facilitate restorative justice practices and convene family or community impact panels, family impact educational classes, victim impact panels, or victim impact educational classes;

''(D) provide and coordinate the delivery of other community services to offenders, including—

''(i) housing assistance;

''(ii) education;

''(iii) employment training;

''(iv) children and family support to include responsible parenting and healthy relationship skill training designed specifically to address the needs of incarcerated and transitioning fathers and mothers;

''(v) conflict resolution skills training;

''(vi) family violence intervention programs;

''(vii) culturally and linguistically competent services, as appropriate; and

''(viii) other appropriate services; and

''(E) establish and implement graduated sanctions and incentives; and

''(27) providing technology and other tools to advance post release supervision.''.

(b) JUVENILE OFFENDER DEMONSTRATION PROJECTS REAUTHORIZED.—Section 2976(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(c)) is amended by striking ''may be expended for'' and all that follows through the period at the end and inserting ''may be expended for any activity referred to in subsection (b).''.

(c) APPLICATIONS; REQUIREMENTS; PRIORITIES; PERFORMANCE MEASUREMENTS.—Section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w) is amended—

(1) by redesignating subsection (h) as subsection (o); and

(2) by striking subsections (d) through (g) and inserting the following:

''(d) APPLICATIONS.—A State, unit of local government, territory, or Indian tribe, or combination thereof desiring a grant under this section shall submit an application to the Attorney General that—

''(1) contains a reentry strategic plan, as referenced in subsection (h), which describes the long-term strategy, and a detailed implementation schedule, including the jurisdiction's plans to pay for the program after the Federal funding is discontinued;

''(2) identifies the local government role and the role of governmental agencies and nonprofit organizations that will be coordinated by, and that will collaborate on, the applicant's prisoner reentry strategy and certifies their involvement; and

''(3) describes the methodology and outcome measures that will be used in evaluating the program.

''(e) REQUIREMENTS.—The Attorney General may make a grant to an applicant under this section only if the application—

''(1) reflects explicit support of the chief executive officer of the State, unit of local government, territory, or Indian tribe applying for a grant under this section;

''(2) provides extensive discussion of the role of State corrections departments, community corrections agencies, juvenile justice systems, or local jail systems in ensuring successful reentry of ex-offenders into their communities;

''(3) provides extensive evidence of collaboration with State and local government agencies overseeing health, housing, child welfare, education, substance abuse, and employment services, and local law enforcement;

''(4) provides a plan for analysis of the applicant's existing statutory, regulatory, rules-based, and practice-based hurdles to a prisoner's reintegration into the community that—

''(A) takes particular note and makes recommendations with respect to laws, regulations, rules, and practices that disqualify former prisoners from obtaining professional licenses or other requirements necessary for certain types of employment, and that hinder full civic participation;

''(B) identifies and makes recommendations with respect to those laws, regulations, rules, or practices that are not directly connected to the crime committed and the risk that the ex-offender presents to the community; and

''(C) affords members of the public an opportunity to participate in the process described in this subsection; and

''(5) includes the use of a State, local, territorial, or tribal task force, as referenced in subsection (i), to carry out the activities funded under the grant.

''(f) PRIORITY CONSIDERATION.—The Attorney General shall give priority to grant applications under this section that best—

''(1) focus initiative on geographic areas with a high population of ex-offenders;

''(2) include partnerships with nonprofit organizations;

''(3) provide consultations with crime victims and former incarcerated prisoners and their families;

''(4) review the process by which the State and local governments adjudicate violations of parole, probation, or post incarceration supervision and consider reforms to maximize the use of graduated, community-based sanctions for minor and technical violations of parole, probation, or post incarceration supervision;

''(5) establish prerelease planning procedures for prisoners to ensure that a prisoner's eligibility for Federal or State benefits (including Medicaid, Medicare, Social Security, and Veterans benefits) upon release is established prior to release, subject to any limitations in law, and to ensure that prisoners are provided with referrals to appropriate social and health services or are linked to appropriate nonprofit organizations;

''(6) include an agreement that the applicant, in consultation with the National Institute of Justice, will modify the project design, initially and during the project, in order to facilitate the evaluation of outcomes by means, including (to the maximum extent feasible) random assignment of offenders and ex-offenders (or entities working with such persons) to program delivery and control groups; and

''(7) target high-risk offenders for reentry programs through validated assessment tools.

''(g) USES OF GRANT FUNDS.—

''(1) FEDERAL SHARE.—The Federal share of a grant received under this section may not exceed 75 percent of the project funded under the grant, unless the Attorney General—

''(A) waives, in whole or in part, the requirement of this paragraph; and

''(B) publicly delineates the rationale for the waiver.

''(2) SUPPLEMENT NOT SUPPLANT.—Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for the activities funded under this section.

''(h) REENTRY STRATEGIC PLAN.—

''(1) IN GENERAL.—As a condition of receiving financial assistance under this section, each applicant shall develop a comprehensive strategic reentry plan that contains measurable annual and 5 year performance outcomes. The plan shall have as a goal to reduce the rate of recidivism of incarcerated persons served with funds from this section by 50 percent over a period of 5 years.

''(2) COORDINATION.—In developing reentry plans under this subsection, applicants shall coordinate with communities and stakeholders, including persons in the fields of public safety, corrections, housing, health, education, substance abuse, children and families, employment, business and members of nonprofit organizations that provide reentry services.

''(3) MEASUREMENTS OF PROGRESS.—Each reentry plan developed under this subsection shall measure the applicant's progress toward increasing public safety by reducing rates of recidivism and enabling released offenders to transition successfully back into their communities.

''(i) REENTRY TASK FORCE.—

''(1) IN GENERAL.—As a condition of receiving financial assistance under this section, each applicant shall establish or empower a Reentry Task Force, or other relevant convening authority, to examine ways to pool existing resources and funding streams to promote lower recidivism rates for returning ex-offenders and to minimize the harmful effects of incarceration on families and communities by collecting data and best practices in offender reentry from demonstration grantees and other agencies and organizations, and to provide a plan, as described in subsection (e)(4).

''(2) MEMBERSHIP.—The task force or other authority shall be comprised of relevant—

''(A) State, tribal, territorial, or local leaders;

''(B) agencies;

''(C) service providers;

''(D) nonprofit organizations; and

''(E) stakeholders.

''(j) STRATEGIC PERFORMANCE OUTCOMES.—

''(1) IN GENERAL.—Each applicant shall identify in their reentry strategic plan, as referenced in subsection (h), specific performance outcomes related to the long-term goals of increasing public safety and reducing recidivism.

''(2) PERFORMANCE OUTCOMES.—The performance outcomes identified under paragraph (1) shall include, with respect to offenders released back into the community—

''(A) reduction in recommitment rates;

''(B) reduction in crime;

''(C) increased employment and education opportunities;

''(D) reduction in violations of conditions of supervised release;

''(E) increased child support;

''(F) increased housing opportunities;

''(G) reduction in drug and alcohol abuse; and

''(H) increased participation in substance abuse and mental health services.

''(3) OTHER OUTCOMES.—States may include in their reentry strategic plan other performance outcomes that increase the success rates of offenders who transition from prison.

''(4) COORDINATION.—Applicants should coordinate with communities and stakeholders about the selection of performance outcomes identified by the applicant, and should consult with the Department of Justice for assistance with data collection and measurement activities.

''(5) REPORT.—Each grantee under this section shall submit an annual report to the Department of Justice that—

''(A) identifies the grantee's progress toward achieving its strategic performance outcomes; and

''(B) describes other activities conducted by the grantee to increase the success rates of the reentry population, such as programs that foster effective risk management and treatment programming, offender accountability, and community and victim participation.

''(k) PERFORMANCE MEASUREMENT.—

''(1) IN GENERAL.—The Department of Justice, in consultation with the grantees, shall—

''(A) identify primary and secondary sources of information to support the measurement of the performance indicators identified under this section;

''(B) identify sources and methods of data collection in support of performance measurement required under this section;

''(C) provide to all grantees technical assistance and training on performance measures and data collection for purposes of this section; and

''(D) coordinate with the Substance Abuse and Mental Health Services Administration on strategic performance outcome measures and data collection for purposes of this section relating to substance abuse and mental health.

''(2) COORDINATION.—The Department of Justice shall coordinate with other Federal agencies to identify national and other sources of information to support grantee's performance measurement.

''(3) STANDARDS FOR ANALYSIS.—Any statistical analysis of population data conducted pursuant to this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.

''(l) FUTURE ELIGIBILITY.—To be eligible to receive a grant under this section for fiscal years after the first receipt of such a grant, a grantee shall submit to the Attorney General such information as is necessary to demonstrate that—

''(1) the grantee has adopted a reentry plan that reflects input from nonprofit organizations;

''(2) the grantee's reentry plan includes performance measures to assess the grantee's progress toward increasing public safety by reducing by 10 percent over the 2-year period the rate at which individuals released from prison who participate in the reentry system supported by Federal funds are recommitted to prison; and

''(3) the grantee will coordinate with the Department of Justice, nonprofit organizations, and other experts regarding the selection and implementation of the performance measures described in subsection (k).

''(m) NATIONAL ADULT AND JUVENILE OFFENDER REENTRY RESOURCE CENTER.—

''(1) AUTHORITY.—The Attorney General may, using amounts made available to carry out this subsection, make a grant to an eligible organization to provide for the establishment of a National Adult and Juvenile Offender Reentry Resource Center.

''(2) ELIGIBLE ORGANIZATION.—An organization eligible for the grant under paragraph (1) is any national nonprofit organization approved by the Federal task force established under subsection (o) that provides technical assistance and training to, and has special expertise and broad, national-level experience in offender reentry programs, training, and research.

''(3) USE OF FUNDS.—The organization receiving the grant shall establish a National Adult and Juvenile Offender Reentry Resource Center to—

''(A) provide education, training, and technical assistance for States, tribes, territories, local governments, service providers, nonprofit organizations, and corrections institutions;

''(B) collect data and best practices in offender reentry from demonstration grantees and others agencies and organizations;

''(C) develop and disseminate evaluation tools, mechanisms, and measures to better assess and document coalition performance measures and outcomes;

''(D) disseminate knowledge to States and other relevant entities about best practices, policy standards, and research findings;

''(E) develop and implement procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

''(F) develop and implement procedures to identify efficiently and effectively those violators of probation, parole, or post incarceration supervision who should be returned to prison and those who should receive other penalties based on defined, graduated sanctions;

''(G) collaborate with the Federal task force established under subsection (o) and the Federal Resource Center for Children of Prisoners;

''(H) develop a national research agenda; and

''(I) bridge the gap between research and practice by translating knowledge from research into practical information.

''(4) LIMIT.—Of amounts made available to carry out this section, not more than 4 percent shall be available to carry out this subsection.

''(n) ADMINISTRATION.—Of amounts made available to carry out this section—

''(1) not more than 2 percent shall be available for administrative expenses in carrying out this section; and

''(2) not more than 2 percent shall be made available to the National Institute of Justice to evaluate the effectiveness of the demonstration projects funded under section 2976 of the Omnibus Crime and Control and Safe Streets Act of 1968 (42 U.S.C. 3797w) as amended by this section, using a methodology that—

''(A) includes, to the maximum extent feasible, random assignment of offenders or ex-offenders (or entities working with such persons) to program delivery and control groups; and

''(B) generates evidence on which reentry approaches and strategies are most effective.

''(o) TASK FORCE ON FEDERAL PROGRAMS AND ACTIVITIES RELATING TO REENTRY OF OFFENDERS.—

''(1) TASK FORCE REQUIRED.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, the Secretary of Agriculture, and the heads of such other elements of the Federal Government as the Attorney General considers appropriate, and in collaboration with stakeholders, service providers, nonprofit organizations, States, tribes, territories, and local governments, shall establish an interagency task force on Federal programs and activities relating to the reentry of offenders into the community.

''(2) DUTIES.—The task force required by paragraph (1) shall—

''(A) identify such programs and activities that may be resulting in overlapping or duplication of services, the scope of such overlapping or duplication, and the relationship of such overlapping and duplication to public safety, public health, and effectiveness and efficiency;

''(B) identify methods to improve collaboration and coordination of such programs and activities;

''(C) identify areas of responsibility in which improved collaboration and coordination of such programs and activities would result in increased effectiveness or efficiency;

''(D) develop innovative interagency or intergovernmental programs, activities, or procedures that would improve outcomes of reentering offenders and children of offenders;

''(E) develop methods for increasing regular communication that would increase interagency program effectiveness;

''(F) identify areas of research that can be coordinated across agencies with an emphasis on applying science-based practices to support, treatment, and intervention programs for reentering offenders;

''(G) identify funding areas that should be coordinated across agencies and any gaps in funding; and

''(H) in collaboration with the National Adult and Juvenile Offender Reentry Resources Center identify successful programs currently operating and collect best practices in offender reentry from demonstration grantees and other agencies and organizations, determine the extent to which such programs and practices can be replicated, and make information on such programs and practices available to States, localities, nonprofit organizations, and others.

''(3) REPORT.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the task force established under paragraph (1) shall submit a report, including recommendations, to Congress on barriers to reentry. The task force shall provide for public input in preparing the report.

''(B) CONTENTS.—The report required by subparagraph (A) shall identify Federal and other barriers to successful reentry of offenders into the community and analyze the effects of such barriers on offenders and on children and other family members of offenders, including barriers relating to—

''(i) child support obligations and procedures;

''(ii) Social Security benefits, including barriers in timely restoration of suspended disability benefits immediately upon release, Veterans benefits, food stamps, and other forms of Federal public assistance;

''(iii) Medicaid and Medicare laws, regulations, guidelines or procedures, including barriers in timely restoration of benefits caused by delay in reinstatement of suspended Social Security disability benefits;

''(iv) education programs, financial assistance, and full civic participation;

''(v) TANF program funding criteria and other welfare benefits;

''(vi) sustainable employment and career advancement, that are not directly connected to the crime committed and the risk that the ex-offender presents to the community;

''(vii) laws, regulations, rules, and practices that restrict Federal employment licensure and participation in Federal contracting programs;

''(viii) admissions to and evictions from Federal housing programs, including—

''(I) examining the number and characteristics of ex-offenders who are evicted from or denied eligibility for Federal housing programs;

''(II) the effect of eligibility denials and evictions on homelessness, family stability and family reunification;

''(III) the extent to which arrest records are the basis for denying applications;

''(IV) the implications of considering misdemeanors 5 or more years old and felonies 10 or more years old and the appropriateness of taking into account rehabilitation and other mitigating factors; and

''(V) the feasibility of using probationary or conditional eligibility based on participation in a supervised rehabilitation program or other appropriate social services;

''(ix) reentry procedures, case planning, and transitions of persons from the custody of the Federal Bureau of Prisons to a Federal parole or probation program or community corrections;

''(x) laws, regulations, rules, and practices that may require a parolee to return to the same county that the parolee was living in prior to his or her arrest, and the potential for changing such laws, regulations, rules, and practices so that the parolee may change his or her location upon release, and not settle in the same location with persons who may be a negative influence; and

''(xi) prerelease planning procedures for prisoners to ensure that a prisoner's eligibility for Federal or State benefits (including Medicaid, Medicare, Social Security and Veterans benefits) upon release is established prior to release, subject to any limitations in law; and to ensure that prisoners are provided with referrals to appropriate social and health services or are linked to appropriate nonprofit organizations.

''(4) ANNUAL REPORTS.—On an annual basis, the task force required by paragraph (1) shall submit to Congress a report on the activities of the task force, including specific recommendations of the task force on matters referred to in paragraph (2). Any statistical analysis of population data pursuant to this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w) is amended in subsection (o)(1), as so redesignated by subsection (c) of this section, by striking ''and $16,000,000 for fiscal year 2005'' and inserting ''$100,000,000 for fiscal year 2007, and $100,000,000 for fiscal year 2008''.

(e) GRANT AUTHORIZATION.—Section 2976(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(a)) is amended by striking ''States, Territories'' and all that follows through the period at the end and inserting ''States, local governments, territories, or Indian tribes, or any combination thereof, in partnership with stakeholders, service providers, and nonprofit organizations, for purpose of establishing adult and juvenile offender reentry demonstration projects.''.

SEC. 106. CHILDREN OF INCARCERATED PARENTS AND FAMILIES.

The Secretary of Health and Human Services may—

(1) review, and make available to States, a report on any recommendations regarding the role of State child protective services at the time of the arrest of a person; and

(2) by regulation, establish such services as the Secretary determines necessary for the preservation of families that have been impacted by the incarceration of a family member with special attention given to the impact on children.

SEC. 107. ENCOURAGEMENT OF EMPLOYMENT OF FORMER PRISONERS.

The Secretary of Labor shall take such steps as are necessary to implement a program, including the Employment and Training Administration, to educate employers and 1-stop center workforce development providers about existing incentives, including the Federal bonding program and tax credits for hiring former Federal, State, or local prisoners.

SEC. 108. FEDERAL RESOURCE CENTER FOR CHILDREN OF PRISONERS.

There are authorized to be appropriated to the Secretary of Health and Human Services for fiscal years 2007 and 2008, such sums as may be necessary for the continuing activities of the Federal Resource Center for Children of Prisoners, including conducting a review of the policies and practices of State and Federal corrections agencies to support parent-child relationships.

SEC. 109. USE OF VIOLENT OFFENDER TRUTH-IN-SENTENCING GRANT FUNDING FOR DEMONSTRATION PROJECT ACTIVITIES.

Section 20102(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13702(a)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(4) to carry out any activity referred to in subsections (b) and (c) of section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w (b), (c)).''.

SEC. 110. GRANTS TO STUDY PAROLE OR POST-INCARCERATION SUPERVISION VIOLATIONS AND REVOCATIONS.

(a) GRANTS AUTHORIZED.—From amounts made available to carry out this section, the Attorney General may award grants to States to study and to improve the collection of data with respect to individuals whose parole or post incarceration supervision is revoked and which such individuals represent the greatest risk to community safety.

(b) APPLICATION.—As a condition of receiving a grant under this section, a State shall—

(1) certify that the State has, or intends to establish, a program that collects comprehensive and reliable data with respect to individuals described in subsection (a), including data on—

(A) the number and type of parole or post incarceration supervision violations that occur with the State;

(B) the reasons for parole or post-incarceration supervision revocation;

(C) the underlying behavior that led to the revocation; and

(D) the term of imprisonment or other penalty that is imposed for the violation; and

(2) provide the data described in paragraph (1) to the Bureau of Justice Statistics, in a form prescribed by the Bureau. Any statistical analysis of population data pursuant to this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each fiscal years 2007 and 2008.

SEC. 111. IMPROVEMENT OF THE RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS PROGRAM.

(a) DEFINITION.—Section 1902 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–1) is amended by—

(1) redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) inserting after subsection (b) the following:

''(c) RESIDENTIAL SUBSTANCE ABUSE TREATMENT.—In this section, the term 'residential substance abuse treatment'—

''(1) means a course of individual and group activities and treatment, lasting at least 6 months, in residential treatment facilities set apart from the general prison population; and

''(2) can include the use of pharmacotherapies where appropriate, that may extend beyond the 6-month period.''.

(b) REQUIREMENT FOR AFTER CARE COMPONENT.—Subsection (d) of section 1902 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–1), as so redesignated by subsection (a) of this section, is amended—

(1) in the subsection heading, by striking ''ELIGIBILITY FOR PREFERENCE WITH AFTER CARE COMPONENT'' and inserting ''REQUIREMENT FOR AFTER CARE COMPONENT'';

(2) by amending paragraph (1) to read as follows:

''(1) To be eligible for funding under this part, a State shall ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this part will be provided with after care services.''; and

(3) by adding at the end the following new paragraph:

''(4) After care services required by this subsection shall be funded by the funding provided in this part.''.

SEC. 112. RESIDENTIAL DRUG ABUSE PROGRAM IN FEDERAL PRISONS.

Section 3621(e)(5)(A) of title 18, United States Code, is amended by striking ''means a course of'' and all that follows through the semicolon at the end and inserting the following: ''means a course of individual and group activities and treatment, lasting at least 6 months, in residential treatment facilities set apart from the general prison population, which may include the use of pharmacotherapies, where appropriate, that may extend beyond the 6-month period;''.

SEC. 113. REMOVAL OF LIMITATION ON AMOUNT OF FUNDS AVAILABLE FOR CORRECTIONS EDUCATION PROGRAMS UNDER THE ADULT EDUCATION AND FAMILY LITERACY ACT.

(a) IN GENERAL.—Section 222(a)(1) of the Adult Education and Family Literacy Act (20 U.S.C. 9222(a)(1)) is amended by striking '', of which not more than 10 percent of the 82.5 percent shall be available to carry out section 225''.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the

Secretary of Education shall submit to Congress a report—

(1) on the use of literacy funds to correctional institutions as defined in section 225(d)(2) of the Adult Education and Family Literacy Act (20 U.S.C. 9224); and

(2) that specifies the amount of literacy funds that are provided to each category of correctional institution in each State, and identify whether funds are being sufficiently allocated among the various types of institutions.

SEC. 114. TECHNICAL AMENDMENT TO DRUG-FREE STUDENT LOANS PROVISION TO ENSURE THAT IT APPLIES ONLY TO OFFENSES COMMITTED WHILE RECEIVING FEDERAL AID.

Section 484(r)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(r)(1)) is amended by striking ''A student'' and all that follows through ''table:'' and inserting the following: ''A student who is convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance for conduct that occurred during a period of enrollment for which the student was receiving any grant, loan, or work assistance under this title shall not be eligible to receive any grant, loan, or work assistance under this title from the date of that conviction for the period of time specified in the following table:''.

SEC. 115. MENTORING GRANTS TO NONPROFIT ORGANIZATIONS.

(a) AUTHORITY TO MAKE GRANTS.—From amounts made available to carry out this section, the Attorney General of the United States, in collaboration with the Secretary of Labor and the Secretary of Housing and Urban Development, shall make grants to nonprofit organizations for the purpose of providing mentoring and other transitional services essential to reintegrating ex-offenders.

(b) USE OF FUNDS.—Grant funds awarded under subsection (a) may be used for—

(1) mentoring adult and juvenile offenders during incarceration, through transition back to the community, and post release; and

(2) transitional services to assist in the reintegration of ex-offenders into the community.

(c) APPLICATION; PRIORITY CONSIDERATION.—To be eligible to receive a grant under this section, a nonprofit organization shall submit an application to the Attorney General based on criteria developed by the Attorney General in consultation with the Secretary of Labor and the Secretary of Housing and Urban Development. Applicants will be given priority consideration if the application—

(1) includes a plan to implement activities that have been demonstrated effective in facilitating the successful reentry of offenders; and

(2) provides for an independent evaluation that includes, to the maximum extent feasible, random assignment of offenders or ex-offenders to program delivery and control groups.

(d) STRATEGIC PERFORMANCE OUTCOMES.—The Attorney General shall require each applicant under this section to identify specific performance outcomes related to the long-term goal of stabilizing communities by reducing recidivism and re-integrating ex-offenders into society.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section $25,000,000 for each of fiscal years 2007 and 2008.

SEC. 116. CLARIFICATION OF AUTHORITY TO PLACE PRISONER IN COMMUNITY CORRECTIONS.

Section 3624(c) of title 18, United States Code, is amended to read as follows:

''(c) PRERELEASE CUSTODY.—

''(1) IN GENERAL.—The Bureau of Prisons shall, to the extent practicable, assure that a prisoner serving a term of imprisonment spends 20 percent of the final portion of the term, not to exceed 12 months, to be served under conditions that will afford the prisoner a reasonable opportunity to adjust to and prepare for the prisoner's reentry into the community. Such conditions may include a community correctional facility.

''(2) AUTHORITY.—This subsection authorizes the Bureau of Prisons to place a prisoner in home confinement for the last 10 percent of the term to be served, not to exceed 6 months.

''(3) ASSISTANCE.—The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during such prerelease custody.

''(4) NO LIMITATIONS.—Nothing in this subsection shall be construed to limit or restrict the authority of the Bureau of Prisons granted under section 3621 of this title.''.

SEC. 117. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is amended to read as follows:

''SEC. 821. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

''(a) DEFINITION.—For purposes of this section, the term 'youth offender' means a male or female offender under the age of 35, who is incarcerated in a State prison, including a prerelease facility.

''(b) GRANT PROGRAM.—The Secretary of Education (in this section referred to as the 'Secretary')—

''(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States, from allocations for the States under subsection (h), to assist and encourage youth offenders to acquire functional literacy, life, and job skills, through—

''(A) the pursuit of a postsecondary education certificate, or an associate or bachelor's degree while in prison; and

''(B) employment counseling and other related services which start during incarceration and end not later than 1 year after release from confinement; and

''(2) may establish such performance objectives and reporting requirements for State correctional education agencies receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.

''(c) APPLICATION.—To be eligible for a grant under this section, a State correctional education agency shall submit to the Secretary a proposal for a youth offender program that—

''(1) identifies the scope of the problem, including the number of youth offenders in need of postsecondary education and vocational training;

''(2) lists the accredited public or private educational institution or institutions that will provide postsecondary educational services;

''(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;

''(4) describes specific performance objectives and evaluation methods (in addition to, and consistent with, any objectives established by the Secretary under subsection (b)(2)) that the State correctional education agency will use in carrying out its proposal, including—

''(A) specific and quantified student outcome measures that are referenced to outcomes for non-program participants with similar demographic characteristics; and

''(B) measures, consistent with the data elements and definitions described in subsection (d)(1)(A), of—

''(i) program completion, including an explicit definition of what constitutes a program completion within the proposal;

''(ii) knowledge and skill attainment, including specification of instruments that will measure knowledge and skill attainment;

''(iii) attainment of employment both prior to and subsequent to release;

''(iv) success in employment indicated by job retention and advancement; and

''(v) recidivism, including such subindicators as time before subsequent offense and severity of offense;

''(5) describes how the proposed programs are to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and vocational training) and State industry programs;

''(6) describes how the proposed programs will have considered or will utilize technology to deliver the services under this section; and

''(7) describes how students will be selected so that only youth offenders eligible under subsection (e) will be enrolled in postsecondary programs.

''(d) PROGRAM REQUIREMENTS.—Each State correctional education agency receiving a grant under this section shall—

''(1) annually report to the Secretary regarding—

''(A) the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs;

''(B) any objectives or requirements established by the Secretary pursuant to subsection (b)(2); and

''(C) the additional performance objectives and evaluation methods contained in the proposal described in subsection (c)(4), as necessary to document the attainment of project performance objectives; and

''(2) expend on each participating eligible student for an academic year, not more than the maximum Federal Pell Grant funded under section 401 of the Higher Education Act of 1965 for such academic year, which shall be used for—

''(A) tuition, books, and essential materials; and

''(B) related services such as career development, substance abuse counseling, parenting skills training, and health education.

''(e) STUDENT ELIGIBILITY.—A youth offender shall be eligible for participation in a program receiving a grant under this section if the youth offender—

''(1) is eligible to be released within 5 years (including a youth offender who is eligible for parole within such time); and

''(2) is 35 years of age or younger.

''(f) LENGTH OF PARTICIPATION.—A State correctional education agency receiving a grant under this section shall provide educational and related services to each participating youth offender for a period not to exceed 5 years, 1 year of which may be devoted to study in a graduate education degree program or to remedial education services for students who have obtained a secondary school diploma or its recognized equivalent. Educational and related services shall start during the period of incarceration in prison or prerelease, and the related services may continue for not more than 1 year after release from confinement.

''(g) EDUCATION DELIVERY SYSTEMS.—State correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

''(h) ALLOCATION OF FUNDS.—From the funds appropriated pursuant to subsection (i) for each fiscal year, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $30,000,000 for fiscal years 2007 and 2008.''.

SEC. 118. IMPROVED REENTRY PROCEDURES FOR FEDERAL PRISONERS.

(a) GENERAL REENTRY PROCEDURES.—The Department of Justice shall take such steps as are necessary to modify existing procedures and policies to enhance case planning and to improve the transition of persons from the custody of the Bureau of Prisons to the community, including placement of such individuals in community corrections facilities.

(b) PROCEDURES REGARDING BENEFITS.—

(1) IN GENERAL.—The Bureau of Prisons shall establish reentry planning procedures within the Release Preparation Program that include providing Federal inmates with information in the following areas:

(A) Health and nutrition.

(B) Employment.

(C) Personal finance and consumer skills.

(D) Information and community resources.

(E) Release requirements and procedures.

(F) Personal growth and development.

(2) FORMAT.—Any written information that the Bureau of Prisons provides to inmates for reentry planning purposes shall use common terminology and language. The Bureau of Prisons shall provide the United States Probation and Pretrial Services System with relevant information on the medical care needs and the mental health treatment needs of releasing inmates. The United States Probation and Pretrial Services System shall take this information into account when developing supervision plans in an effort to address the medical care and mental health care needs of these individuals. The Bureau of Prisons shall provide inmates with a sufficient amount of all necessary medications upon release from custody.

SEC. 119. REAUTHORIZATION OF LEARN AND SERVE AMERICA.

Section 501(a)(1)(A) of the National and Community Service Act of 1990 (42 U.S.C. 12681(a)(1)(A)) is amended by striking ''fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 through 1996'' and inserting ''fiscal year 2007 and each of the 5 succeeding fiscal years''.

SEC. 120. JOB CORPS.

Section 161 of the Workforce Investment Act of 1998 (29 U.S.C. 2901) is amended by striking ''such sums as may be necessary'' and inserting ''$1,800,000,000 (of which $300,000,000 shall be designated to create additional Job Corps centers, especially in high gang activity areas)''.

SEC. 121. WORKFORCE INVESTMENT ACT YOUTH ACTIVITIES.

Section 137(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2872(a)) is amended by striking ''such sums as may be necessary'' and inserting ''$1,000,000''.

SEC. 122. EXPANSION AND REAUTHORIZATION OF THE MENTORING INITIATIVE FOR SYSTEM INVOLVED YOUTH.

(a) EXPANSION.—Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. 5665) is amended by inserting at the end the following: ''The Administrator shall expand the number of sites receiving such grants from 4 to 12.''.

(b) REAUTHORIZATION.—Section 12213(c) of the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. 5671) is amended by striking subsection (c) and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS FOR PART E.—There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, $4,800,000 for fiscal years 2007, 2008, 2009, 2010, and 2011.''.

SEC. 123. STRATEGIC COMMUNITY PLANNING PROGRAM.

Section 30701 of the Violent Crime Control Act of 1994 (42 U.S.C. 13801) is amended by inserting the following:

''SEC. 30701. GRANT AUTHORITY.

''(a) GRANTS.—

''(1) IN GENERAL.—In order to prevent gang activity by juveniles, the Attorney General may award grants on a competitive basis to eligible local entities to pay for the Federal share of assisting eligible communities to develop and carry out programs that target at-risk youth and juvenile offenders aged 11 to 19, who—

''(A) have dropped out of school;

''(B) have come into contact with the juvenile justice system; or

''(C) are at risk of dropping out of school or coming into contact with the juvenile justice system.

''(2) LIMITATION.—No local entity shall receive a grant of less than $250,000 in a fiscal year. Amounts made available through such grants shall remain available until expended.

''(b) PROGRAM REQUIREMENTS.—

''(1) PROGRAMS.—A local entity that receives funds under this section shall develop or expand community programs in eligible communities that are designed to target at-risk youths and juvenile offenders through prevention, early intervention, and graduated sanctions.

''(2) OPTIONAL ACTIVITIES.—A local entity that receives funds under this section may develop a variety of programs to serve the comprehensive needs of at-risk youth and juvenile offenders, including—

''(A) homework assistance and after-school programs, including educational, social, and athletic activities;

''(B) mentoring programs;

''(C) family counseling; and

''(D) parental training programs.

''(c) ELIGIBLE COMMUNITY IDENTIFICATION.—The Attorney General through regulation shall define the criteria necessary to qualify as an eligible community as defined in subsection (g)(3).

''(d) GRANT ELIGIBILITY.—To be eligible to receive a grant under this section, a local entity shall—

''(1) identify an eligible community to be assisted;

''(2) develop a community planning process that includes—

''(A) parents and family members;

''(B) local school officials;

''(C) teachers employed at schools within the eligible community;

''(D) local public officials;

''(E) law enforcement officers and officials;

''(F) ministers and faith-based organizations;

''(G) public housing authorities;

''(H) public housing resident organization members, where applicable; and

''(I) public and private nonprofit organizations that provide education, child protective services, or other human services to low-income, at-risk youth and juvenile offenders, and their families; and

''(3) develop a concentrated strategy for implementation of the community planning process developed under paragraph (2) that targets clusters of at-risk youth and juvenile offenders in the eligible community.

''(e) APPLICATIONS.—

''(1) APPLICATION REQUIRED.—To be eligible to receive a grant under this section, a local entity shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information, as the Attorney General may reasonably require, and obtain approval of such application.

''(2) CONTENTS OF APPLICATION.—Each application submitted under paragraph (1) shall—

''(A) contain a comprehensive plan for the program that is designed to improve the academic and social development of at-risk youths and juvenile offenders in the eligible community;

''(B) provide evidence of support for accomplishing the objectives of such plan from—

''(i) community leaders;

''(ii) a school district;

''(iii) local officials; and

''(iv) other organizations that the local entity determines to be appropriate;

''(C) provide an assurance that the local entity will use grant funds received under this subsection to implement the program requirements listed in subsection (b);

''(D) include an estimate of the number of children in the eligible community expected to be served under the program;

''(E) provide an assurance that the local entity shall prepare and submit to the Attorney General an annual report regarding any program conducted under this section; and

''(F) provide an assurance that the local entity will maintain separate accounting records for the program.

''(3) PRIORITY.—In awarding grants to carry out programs under this section, the Attorney General shall give priority to local entities which submit applications that demonstrate the greatest effort in generating local support for the programs.

''(f) FEDERAL SHARE.—

''(1) PAYMENTS.—The Attorney General shall, subject to the availability of appropriations, pay to each local entity having an application approved under subsection (e) the Federal share of the costs of developing and carrying out programs referred to in subsection (b).

''(2) FEDERAL SHARE.—The Federal share of such costs shall be 70 percent.

''(3) NON-FEDERAL SHARE.—The non-Federal share of such costs may be in cash or in kind, fairly evaluated, including personnel, plant, equipment, and services.

''(g) DEFINITIONS.—For purposes of this section—

''(1) the term 'Attorney General' means the Attorney General of the United States;

''(2) the term 'local entity' means—

''(A) a local educational agency, or

''(B) a community-based organization as defined in section 1471(3) of the Elementary and Secondary Education Act of 1965;

''(3) the term 'eligible community' means an area which meets criteria with respect to significant poverty and significant violent crime, and such additional criteria, as the Attorney General may by regulation require.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

''(1) $10,000,000 for fiscal year 2007;

''(2) $11,000,000 for fiscal year 2008;

''(3) $12,000,000 for fiscal year 2009;

''(4) $13,000,000 for fiscal year 2010; and

''(5) $14,000,000 for fiscal year 2011.''.

SEC. 124. REAUTHORIZATION OF THE GANG RESISTANCE EDUCATION AND TRAINING PROJECTS PROGRAM AND INCREASE FUNDING FOR THE NATIONAL YOUTH GANG SURVEY.

Section 32401 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13921) is amended—

(1) in subsection (b), by striking paragraphs (1) through (6) and inserting the following:

''(A) $21,000,000 for fiscal year 2007;

''(B) $21,000,000 for fiscal year 2008;

''(C) $21,000,000 for fiscal year 2009;

''(D) $21,000,000 for fiscal year 2010; and

''(E) $21,000,000 for fiscal year 2011;''; and

(2) adding at the end the following:

''(c) USE OF FUNDS.—Up to $1,000,000 annually of such funds authorized under this Section shall be used to increase the number of samples collected by the National Youth Gang Center for its annual National Youth Gang Survey.''.

TITLE II—SUPPRESSION AND COMMUNITY ANTI-GANG INITIATIVES

Subtitle A—Gang Activity Policing Program

SEC. 201. AUTHORITY TO MAKE GANG ACTIVITY POLICING GRANTS.

The Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address gang activity problems, and otherwise to enhance public safety.

SEC. 202. ELIGIBLE ACTIVITIES.

Grants made under this subtitle may include programs, projects, and other activities to—

(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment to reduce gang activity;

(2) hire and train new, additional career law enforcement officers for deployment to reduce gang activity across the Nation;

(3) procure equipment, technology, or support systems, or pay overtime, to increase the number of officers deployed in gang activity policing;

(4) award grants to pay for officers hired to perform intelligence in reducing gang activity;

(5) increase the number of law enforcement officers involved in activities that are focused on interaction with members of the community on proactive gang control and prevention by redeploying officers to such activities;

(6) establish and implement innovative programs to increase and enhance proactive crime control and gang prevention programs involving law enforcement officers and young persons in the community;

(7) establish school-based partnerships between local law enforcement agencies and local school systems by using school resource officers who operate in and around elementary and secondary schools to combat gangs;

(8) develop new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State and local law enforcement agencies in reducing gang activity and to train law enforcement officers to use such technologies; and

(9) support the purchase by a law enforcement agency of no more than 1 service weapon per officer, upon hiring for deployment in gang activity policing or, if necessary, upon existing officers' initial redeployment to gang activity policing.

SEC. 203. PREFERENTIAL CONSIDERATION OF APPLICATIONS FOR CERTAIN GRANTS.

In awarding grants under this subtitle, the Attorney General may give preferential consideration, where feasible, to applications—

(1) for hiring and rehiring additional career law enforcement officers that involve a non-Federal contribution exceeding the 25 percent minimum under this subtitle; and

(2) that are located in a high intensity interstate gang activity area designated pursuant to section 211.

SEC. 204. UTILIZATION OF COMPONENTS.

The Attorney General may utilize any component or components of the Department of Justice in carrying out this subtitle.

SEC. 205. MINIMUM AMOUNT.

Unless all applications submitted by any State and grantee within the State pursuant to this subtitle have been funded, each qualifying State, together with grantees within the State, shall receive in each fiscal year pursuant to this subtitle not less than 0.5 percent of the total amount appropriated in the fiscal year for grants pursuant to that section. In this section, ''qualifying State'' means any State which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the requirements prescribed by the Attorney General and the conditions set out in this subtitle.

SEC. 206. MATCHING FUNDS.

The portion of the costs of a program, project, or activity provided by this subtitle may not exceed 75 percent, unless the Attorney General waives, wholly or in part, the requirement under this section of a non-Federal contribution to the costs of a program, project, or activity. In relation to a grant for a period exceeding 1 year for hiring or rehiring career law enforcement officers, the Federal share shall decrease from year to year for up to 5 years, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $700,000,000 for each of the fiscal years 2007 through 2011. Any amount appropriated under this section shall remain available until expended.

Subtitle B—High Intensity Interstate Gang Activity Areas

SEC. 211. DESIGNATION OF AND ASSISTANCE FOR "HIGH INTENSITY" INTERSTATE GANG ACTIVITY AREAS.

(a) DEFINITIONS.—In this section the following definitions shall apply:

(1) GOVERNOR.—The term ''Governor'' means a Governor of a State or the Mayor of the District of Columbia.

(2) HIGH INTENSITY INTERSTATE GANG ACTIVITY AREA.—The term ''high intensity interstate gang activity area'' means an area within a State that is designated as a high intensity interstate gang activity area under subsection (b)(1).

(3) STATE.—The term ''State'' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States. The term ''State'' shall include an ''Indian tribe'', as defined by section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(b) HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS.—

(1) DESIGNATION.—The Attorney General, after consultation with the Governors of appropriate States, may designate as high intensity interstate gang activity areas, specific areas that are located within 1 or more States. To the extent that the goals of a high intensity interstate gang activity area (HIIGAA) overlap with the goals of a high intensity drug trafficking area (HIDTA), the Attorney General may merge the 2 areas to serve as a dual-purpose entity. The Attorney General may not make the final designation of a high intensity interstate gang activity area without first consulting with and receiving comment from local elected officials representing communities within the State of the proposed designation.

(2) ASSISTANCE.—In order to provide Federal assistance to high intensity interstate gang activity areas, the Attorney General shall—

(A) establish criminal street gang enforcement teams, consisting of Federal, State, and local law enforcement authorities, for the coordinated investigation, disruption, apprehension, and prosecution of criminal street gangs and offenders in each high intensity interstate gang activity area;

(B) direct the reassignment or detailing from any Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) of personnel to each criminal street gang enforcement team; and

(C) provide all necessary funding for the operation of the criminal street gang enforcement team in each high intensity interstate gang activity area.

(3) COMPOSITION OF CRIMINAL STREET GANG ENFORCEMENT TEAM.—The team established pursuant to paragraph (2)(A) shall consist of agents and officers, where feasible, from—

(A) the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(B) the Department of Homeland Security;

(C) the Department of Housing and Urban Development;

(D) the Drug Enforcement Administration;

(E) the Internal Revenue Service;

(F) the Federal Bureau of Investigation;

(G) the United States Marshal's Service;

(H) the United States Postal Service;

(I) State and local law enforcement; and

(J) Federal, State and local prosecutors.

(4) CRITERIA FOR DESIGNATION.—In considering an area for designation as a high intensity interstate gang activity area under this section, the Attorney General shall consider—

(A) the current and predicted levels of gang crime activity in the area;

(B) the extent to which violent crime in the area appears to be related to criminal street gang activity, such as drug trafficking, murder, robbery, assaults, carjacking, arson, kidnapping, extortion, and other criminal activity;

(C) the extent to which State and local law enforcement agencies have committed resources to—

(i) respond to the gang crime problem; and

(ii) participate in a gang enforcement team;

(D) the extent to which a significant increase in the allocation of Federal resources would enhance local response to the gang crime activities in the area; and

(E) any other criteria that the Attorney General considers to be appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $100,000,000 for each of the fiscal years 2007 to 2011 to carry out this section.

(2) USE OF FUNDS.—Of amounts made available under paragraph (1) in each fiscal year—

(A) 50 percent shall be used to carry out subsection (b)(2); and

(B) 50 percent shall be used to make grants available for community-based programs to provide crime prevention, research, and intervention services that are designed for gang members and at-risk youth in areas designated pursuant to this section as high intensity interstate gang activity areas.

(3) REPORTING REQUIREMENTS.—By February 1st of each year, the Attorney General shall provide a report to Congress which describes, for each designated high intensity interstate gang activity area—

(A) the specific long-term and short-term goals and objectives;

(B) the measurements used to evaluate the performance of the high intensity interstate gang activity area in achieving the long-term and short-term goals;

(C) the age, composition, and membership of ''gangs'';

(D) the number and nature of crimes committed by ''gangs''; and

(E) the definition of the term ''gang'' used to compile this report.

Subtitle C—Additional Funding

SEC. 221. ADDITIONAL RESOURCES NEEDED BY THE FEDERAL BUREAU OF INVESTIGATION TO INVESTIGATE AND PROSECUTE VIOLENT CRIMINAL STREET GANGS.

(a) RESPONSIBILITIES OF ATTORNEY GENERAL.—The Attorney General is authorized to require the Federal Bureau of Investigation to—

(1) increase funding for the Safe Streets Program; and

(2) support the criminal street gang enforcement teams, established under section 211(b), in designated high intensity interstate gang activity areas.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise authorized, there are authorized to be appropriated to the Attorney General $5,000,000 for each of the fiscal years 2007 through 2011 to carry out the Safe Streets Program.

(2) AVAILABILITY.—Any amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 222. GRANTS TO PROSECUTORS AND LAW ENFORCEMENT TO COMBAT VIOLENT CRIME AND TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(5) to hire additional prosecutors to—

''(A) allow more cases to be prosecuted; and

''(B) reduce backlogs;

''(6) to fund technology, equipment, and training for prosecutors and law enforcement in order to increase accurate identification of gang members and violent offenders, and to maintain databases with such information to facilitate coordination among law enforcement and prosecutors; and

''(7) to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

''SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated $20,000,000 for each of the fiscal years 2007 through 2011 to carry out this subtitle.

''(b) USE OF FUNDS.—Of the amounts made available under subsection (a), in each fiscal year 60 percent shall be used to carry out section 31702(7) to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.''.

SEC. 223. ENHANCEMENT OF PROJECT SAFE NEIGHBORHOODS INITIATIVE TO IMPROVE ENFORCEMENT OF CRIMINAL LAWS AGAINST VIOLENT GANGS.

(a) IN GENERAL.—While maintaining the focus of Project Safe Neighborhoods as a comprehensive, strategic approach to reducing gun violence in America, the Attorney General is authorized to expand the Project Safe Neighborhoods program to require each United States attorney to—

(1) identify, investigate, and prosecute significant criminal street gangs operating within their district;

(2) coordinate the identification, investigation, and prosecution of criminal street gangs among Federal, State, and local law enforcement agencies; and

(3) coordinate and establish criminal street gang enforcement teams, established under section 110(b), in high intensity interstate gang activity areas within a United States attorney's district.

(b) ADDITIONAL STAFF FOR PROJECT SAFE NEIGHBORHOODS.—

(1) IN GENERAL.—The Attorney General may hire Assistant United States attorneys, non-attorney coordinators, or paralegals to carry out the provisions of this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $7,500,000 for each of the fiscal years 2007 through 2011 to carry out this section.

TITLE III—PUNISHMENT AND IMPROVED CRIME DATA

SEC. 301. CRIMINAL STREET GANGS.

(a) CRIMINAL STREET GANG PROSECUTIONS.—Section 521 of title 18, United States Code, is amended to read as follows:

''§ 521. Criminal street gang prosecutions

''(a) DEFINITIONS.—As used in this chapter:

''(1) CRIMINAL STREET GANG.—The term 'criminal street gang' means a formal or informal group, club, organization, or association of 3 or more individuals, who individually, jointly, or in combination, have committed or attempted to commit for the direct or indirect benefit of, at the direction of, in furtherance of, or in association with the group, club organization, or association at least 2 separate acts, each of which is a predicate gang crime, 1 of which occurs after the date of enactment of the Gang Prevention and Effective Deterrence Act of 2004 and the last of which occurs not later than 10 years (excluding any period of imprisonment) after the commission of a prior predicate gang crime, and 1 predicate gang crime is a crime of violence or involves manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemicals (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) provided that the activities of the criminal street gang affect interstate or foreign commerce, or involve the use of any facility of, or travel in, interstate or foreign commerce.

''(2) PREDICATE GANG CRIME.—The term 'predicate gang crime' means—

''(A) any act, threat, conspiracy, or attempted act, which is chargeable under Federal or State law and punishable by imprisonment for more than 1 year involving—

''(i) murder;

''(ii) manslaughter;

''(iii) maiming;

''(iv) assault with a dangerous weapon;

''(v) assault resulting in serious bodily injury;

''(vi) gambling;

''(vii) kidnapping;

''(viii) robbery;

''(ix) extortion;

''(x) arson;

''(xi) obstruction of justice;

''(xii) tampering with or retaliating against a witness, victim, or informant;

''(xiii) burglary;

''(xiv) sexual assault (which means any offense that involves conduct that would violate chapter 109A if the conduct occurred in the special maritime and territorial jurisdiction);

''(xv) carjacking; or

''(xvi) manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemicals (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(B) any act punishable by imprisonment for more than 1 year under—

''(i) section 844 (relating to explosive materials);

''(ii) section 922(g)(1) (where the underlying conviction is a violent felony (as defined in section 924(e)(2)(B) of this title) or is a serious drug offense (as defined in section 924(e)(2)(A) of this title));

''(iii) subsection (a)(2), (b), (c), (g), or (h) of section 924 (relating to receipt, possession, and transfer of firearms);

''(iv) sections 1028 and 1029 (relating to fraud and related activity in connection with identification documents or access devices);

''(v) section 1503 (relating to obstruction of justice);

''(vi) section 1510 (relating to obstruction of criminal investigations);

''(vii) section 1512 (relating to tampering with a witness, victim, or informant), or section 1513 (relating to retaliating against a witness, victim, or informant);

''(viii) section 1708 (relating to theft of stolen mail matter);

''(ix) section 1951 (relating to interference with commerce, robbery or extortion);

''(x) section 1952 (relating to racketeering);

''(xi) section 1956 (relating to the laundering of monetary instruments);

''(xii) section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity);

''(xiii) section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire); or

''(xiv) sections 2312 through 2315 (relating to interstate transportation of stolen motor vehicles or stolen property); or

''(C) any act involving the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose).

''(3) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(b) PARTICIPATION IN CRIMINAL STREET GANGS.—It shall be unlawful—

''(1) to commit, or conspire or attempt to commit a predicate crime—

''(A) in furtherance or in aid of the activities of a criminal street gang;

''(B) for the purpose of gaining entrance to or maintaining or increasing position in such a gang; or

''(C) for the direct or indirect benefit of the criminal street gang, or in association with the criminal street gang; or

''(2) to employ, use, command, counsel, persuade, induce, entice, or coerce any individual to commit, cause to commit, or facilitate the commission of, a predicate gang crime—

''(A) in furtherance or in aid of the activities of a criminal street gang;

''(B) for the purpose of gaining entrance to or maintaining or increasing position in such a gang; or

''(C) for the direct or indirect benefit or the criminal street gang, or in association with the criminal street gang.

''(c) PENALTIES.—Whoever violates paragraph (1) or (2) of subsection (b)—

''(1) shall be fined under this title, imprisoned for not more than 30 years, or both; and

''(2) if the violation is based on a predicate gang crime for which the maximum penalty includes life imprisonment, shall be fined under this title, imprisoned for any term of years or for life, or both.

''(d) FORFEITURE.—

''(1) IN GENERAL.—The court, in imposing sentence on a person who is convicted of an offense under this section, shall order that the defendant forfeit to the United States—

''(A) any property, real or personal, constituting or traceable to gross proceeds obtained from such offense; and

''(B) any property used or intended to be used, in any manner or part, to commit or to facilitate the commission of such violation.

''(2) CRIMINAL PROCEDURES.—The procedures set forth in section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d) of that section, and in rule 32.2 of the Federal Rules of Criminal Procedure, shall apply to all stages of a criminal forfeiture proceeding under this section.

''(3) CIVIL PROCEDURES.—Property subject to forfeiture under paragraph (1) may be forfeited in a civil case pursuant to the procedures set forth in chapter 46 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 26 of title 18, United States Code, is amended to read as follows:

''521. Criminal street gang prosecutions.''.

SEC. 302. VIOLENT CRIMES IN FURTHERANCE OR IN AID OF CRIMINAL STREET GANGS.

(a) VIOLENT CRIMES AND CRIMINAL STREET GANG RECRUITMENT.—Chapter 26 of title 18, United States Code, as amended by section 301, is amended by adding at the end the following:

''§ 523. Violent crimes in furtherance or in aid of a criminal street gang

''(a) Any person who, for the purpose of gaining entrance to or maintaining or increasing position in, or in furtherance or in aid of, or for the direct or indirect benefit of, or in association with a criminal street gang, or as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value to or from a criminal street gang, murders, kidnaps, sexually assaults (which means any offense that involved conduct that would violate chapter 109A if the conduct occurred in the special maritime and territorial jurisdiction), maims, assaults with a dangerous weapon, commits assault resulting in serious bodily injury upon, commits any other crime of violence or threatens to commit a crime of violence against any individual, or attempts or conspires to do so, shall be punished, in addition and consecutive to the punishment provided for any other violation of this chapter—

''(1) for murder, by imprisonment for any term of years or for life, a fine under this title, or both;

''(2) for kidnapping or sexual assault, by imprisonment for any term of years or for life, a fine under this title, or both;

''(3) for maiming, by imprisonment for any term of years or for life, a fine under this title, or both;

''(4) for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 30 years, a fine under this title, or both;

''(5) for any other crime of violence, by imprisonment for not more than 20 years, a fine under this title, or both;

''(6) for threatening to commit a crime of violence specified in paragraphs (1) through (4), by imprisonment for not more than 10 years, a fine under this title, or both;

''(7) for attempting or conspiring to commit murder, kidnapping, maiming, or sexual assault, by imprisonment for not more than 30 years, a fine under this title, or both; and

''(8) for attempting or conspiring to commit a crime involving assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 20 years, a fine under this title, or both.

''(b) DEFINITION.—In this section, the term 'criminal street gang' has the same meaning as in section 521 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 26 of title 18, United States Code, is amended by adding at the end the following:

''522. Recruitment of persons to participate in a criminal street gang.

''523. Violent crimes in furtherance of a criminal street gang.''.

SEC. 303. INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF RACKETEERING ENTERPRISES AND CRIMINAL STREET GANGS.

Section 1952 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''and thereafter performs or attempts to perform'' and inserting ''and thereafter performs, or attempts or conspires to perform''; and

(B) by striking ''5 years'' and inserting ''10 years'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

''(b) Whoever travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with the intent to kill, assault, bribe, force, intimidate, or threaten any person, to delay or influence the testimony of, or prevent from testifying, a witness in a State criminal proceeding and thereafter performs, or attempts or conspires to perform, an act described in this subsection, shall—

''(1) be fined under this title, imprisoned for any term of years, or both; and

''(2) if death results, imprisoned for any term of years or for life.''; and

(4) in subsection (c)(2), as redesignated under subparagraph (B), by inserting ''intimidation of, or retaliation against, a witness, victim, juror, or informant,'' after ''extortion, bribery,''.

SEC. 304. AMENDMENTS RELATING TO VIOLENT CRIME IN AREAS OF EXCLUSIVE FEDERAL JURISDICTION.

(a) ASSAULT WITHIN MARITIME AND TERRITORIAL JURISDICTION OF UNITED STATES.—Section 113(a)(3) of title 18, United States Code, is amended by striking ''with intent to do bodily harm, and without just cause or excuse,''.

(b) MANSLAUGHTER.—Section 1112(b) of title 18, United States Code, is amended by—

(1) striking ''ten years'' and inserting ''20 years''; and

(2) striking ''six years'' and inserting ''10 years''.

(c) OFFENSES COMMITTED WITHIN INDIAN COUNTRY.—Section 1153(a) of title 18, United States Code, is amended by inserting ''an offense for which the maximum statutory term of imprisonment under section 1363 is greater than 5 years,'' after ''a felony under chapter 109A,''.

(d) RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS.—Section 1961(1) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or would have been so chargeable if the act or threat (other than lawful forms of gambling) had not been committed in Indian country (as defined in section 1151) or in any other area of exclusive Federal jurisdiction,'' after ''chargeable under State law''; and

(2) in subparagraph (B), by inserting ''section 1123 (relating to multiple interstate murder),'' after ''section 1084 (relating to the transmission of wagering information),''.

(e) CARJACKING.—Section 2119 of title 18, United States Code, is amended by striking '', with the intent to cause death or serious bodily harm''.

(f) CLARIFICATION OF ILLEGAL GUN TRANSFERS TO COMMIT DRUG TRAFFICKING CRIME OR CRIMES OF VIOLENCE.—Section 924(h) of title 18, United States Code, is amended to read as follows:

''(h) ILLEGAL TRANSFERS.—Whoever knowingly transfers a firearm, knowing that the firearm will be used to commit, or possessed in furtherance of, a crime of violence (as defined in subsection (c)(3)) or drug trafficking crime (as defined in subsection (c)(2)), shall be imprisoned for not more than 10 years, fined under this title, or both.''.

(g) AMENDMENT OF SPECIAL SENTENCING PROVISION.—Section 3582(d) of title 18, United States Code, is amended—

(1) by striking ''chapter 95 (racketeering) or 96 (racketeer influenced and corrupt organizations) of this title'' and inserting ''section 521 (criminal street gangs) or 522 (violent crimes in furtherance or in aid of criminal street gangs), in chapter 95 (racketeering) or 96 (racketeer influenced and corrupt organizations),''; and

(2) by inserting ''a criminal street gang or'' before ''an illegal enterprise''.

(h) CONFORMING AMENDMENT RELATING TO ORDERS FOR RESTITUTION.—Section 3663(c)(4) of title 18, United States Code, is amended by striking ''chapter 46 or chapter 96 of this title'' and inserting ''section 521, under chapter 46 or 96,''.

(i) SPECIAL PROVISION FOR INDIAN COUNTRY.—No person subject to the criminal jurisdiction of an Indian tribal government shall be subject to section 3559(e) of title 18, United States Code, for any offense for which Federal jurisdiction is solely predicated on Indian country (as defined in section 1151 of such title 18) and which occurs within the boundaries of such Indian country unless the governing body of such Indian tribe elects to subject the persons under the criminal jurisdiction of the tribe to section 3559(e) of such title 18.

SEC. 305. INCREASED PENALTIES FOR USE OF INTERSTATE COMMERCE FACILITIES IN THE COMMISSION OF MURDER-FOR-HIRE AND OTHER FELONY CRIMES OF VIOLENCE.

Section 1958 of title 18, United States Code, is amended—

(1) by striking the header and inserting the following:

''§ 1958. Use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence'';

(2) in subsection (a), by striking ''Whoever'' through ''conspires to do so'' and inserting the following:

''(a) Any person who travels in or causes another (including the intended victim) to travel in interstate or foreign commerce, or uses or causes another (including the intended victim) to use the mail or any facility in interstate or foreign commerce, with intent that a murder or other felony crime of violence be committed in violation of the laws of any State or the United States as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value, or who conspires to do so—''.

(3) striking ''ten'' and inserting ''20''; and

(4) by striking ''twenty'' and inserting ''30''.

SEC. 306. INCREASED PENALTIES FOR VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.

Section 1959(a) of title 18, United States Code, is amended—

(1) by striking ''Whoever'' through ''punished'' and inserting the following:

''(a) Any person who, as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value from an enterprise engaged in racketeering activity, or for the purpose of gaining entrance to or maintaining or increasing position in an enterprise engaged in racketeering activity, or in furtherance or in aid of an enterprise engaged in racketeering activity, murders, kidnaps, sexually assaults (which means any offense that involved conduct that would violate chapter 109A if the conduct occurred in the special maritime and territorial jurisdiction), maims, assaults with a dangerous weapon, commits assault resulting in serious bodily injury upon, or threatens to commit a crime of violence against any individual in violation of the laws of any State or the United States, or attempts or conspires to do so, shall be punished, in addition and consecutive to the punishment provided for any other violation of this chapter—''; and

(2) by striking paragraphs (2) through (6) and inserting the following:

''(2) for kidnapping or sexual assault, by imprisonment for any term of years or for life, a fine under this title, or both;

''(3) for maiming, by imprisonment for any term of years or for life, a fine under this title, or both;

''(4) for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 30 years, a fine under this title, or both;

''(5) for threatening to commit a crime of violence, by imprisonment for not more than 10 years, a fine under this title, or both;

''(6) for attempting or conspiring to commit murder, kidnapping, maiming, or sexual assault, by imprisonment for not more than 30 years, a fine under this title, or both; and

''(7) for attempting or conspiring to commit assault with a dangerous weapon or assault which would result in serious bodily injury, by imprisonment for not more than 20 years, a fine under this title, or both.''.

SEC. 307. VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

(a) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

''VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME

''SEC. 424. (a) IN GENERAL.—Any person who, during and in relation to any drug trafficking crime, murders, kidnaps, sexually assaults (which means any offense that involved conduct that would violate chapter 109A if the conduct occurred in the special maritime and territorial jurisdiction), maims, assaults with a dangerous weapon, commits assault resulting in serious bodily injury upon, commits any other crime of violence or threatens to commit a crime of violence against, any individual, or attempts or conspires to do so, shall be punished, in addition and consecutive to the punishment provided for the drug trafficking crime—

''(1) in the case of murder, by imprisonment for any term of years or for life, a fine under title 18, United States Code, or both;

''(2) in the case of kidnapping or sexual assault by imprisonment for any term of years or for life, a fine under such title 18, or both;

''(3) in the case of maiming, by imprisonment for any term of years or for life, a fine under such title 18, or both;

''(4) in the case of assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment not more than 30 years, a fine under such title 18, or both;

''(5) in the case of committing any other crime of violence, by imprisonment for not more than 20 years, a fine under this title, or both;

''(6) in the case of threatening to commit a crime of violence specified in paragraphs (1) through (4), by imprisonment for not more than 10 years, a fine under such title 18, or both;

''(7) in the case of attempting or conspiring to commit murder, kidnapping, maiming, or sexual assault, by imprisonment for not more than 30 years, a fine under such title 18, or both; and

''(8) in the case of attempting or conspiring to commit a crime involving assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 20 years, a fine under such title 18, or both.

''(b) VENUE.—A prosecution for a violation of this section may be brought in—

''(1) the judicial district in which the murder or other crime of violence occurred; or

''(2) any judicial district in which the drug trafficking crime may be prosecuted.

''(c) DEFINITIONS.—As used in this section—

''(1) the term 'crime of violence' has the meaning given that term in section 16 of title 18, United States Code; and

''(2) the term 'drug trafficking crime' has the meaning given that term in section 924(c)(2) of title 18, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Controlled Substances Act is amended by inserting after the item relating to section 423, the following:

''Sec. 424. Violent crimes committed during and in relation to a drug trafficking crime.''.

SEC. 308. EXPANSION OF REBUTTABLE PRESUMPTION AGAINST RELEASE OF PERSONS CHARGED WITH FIREARMS OFFENSES.

Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e), in the matter following paragraph (3)—

(A) by inserting ''an offense under section 922(g)(1) where the underlying conviction is a serious drug offense as defined in section 924(e)(2)(A) of title 18, United States Code, for which a period of not more than 10 years has elapsed since the date of the conviction or the release of the person from imprisonment, whichever is later, or is a serious violent felony as defined in section 3559(c)(2)(F) of title 18, United States Code,'' after ''that the person committed''; and

(B) by inserting ''or'' before ''the Maritime'';

(2) in subsection (f)(1)—

(A) in subparagraph (C), by striking ''or'' at the end; and

(B) by adding at the end the following:

''(E) an offense under section 922(g); or''; and

(3) in subsection (g), by amending paragraph (1) to read as follows:

''(1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence, or involves a drug, firearm, explosive, or destructive devise;''.

SEC. 309. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.

(a) IN GENERAL.—Chapter 214 of title 18, United States Code, is amended by adding at the end the following:

''§ 3297. Violent crime offenses

''Except as otherwise expressly provided by law, no person shall be prosecuted, tried, or punished for any noncapital felony, crime of violence (as defined in section 16), including any racketeering activity or gang crime which involves any violent crime, unless the indictment is found or the information is instituted by the later of—

''(1) 10 years after the date on which the alleged violation occurred;

''(2) 10 years after the date on which the continuing offense was completed; or

''(3) 8 years after the date on which the alleged violation was first discovered.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 214 of title 18, United States Code, is amended by adding at the end the following:

''3296. Violent crime offenses.''.

SEC. 310. PREDICATE CRIMES FOR AUTHORIZATION OF INTERCEPTION OF WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (q), by striking ''or'.'';

(2) by redesignating paragraph (r) as paragraph (u); and

(3) by inserting after paragraph (q) the following:

''(r) any violation of section 424 of the Controlled Substances Act (relating to murder and other violent crimes in furtherance of a drug trafficking crime);

''(s) any violation of 1123 of title 18, United States Code (relating to multiple interstate murder);

''(t) any violation of section 521, 522, or 523 (relating to criminal street gangs); or''.

SEC. 311. CLARIFICATION TO HEARSAY EXCEPTION FOR FORFEITURE BY WRONGDOING.

Rule 804(b)(6) of the Federal Rules of Evidence is amended to read as follows:

''(6) **Forfeiture by wrongdoing.** A statement offered against a party that has engaged, acquiesced, or conspired, in wrongdoing that was intended to, and did, procure the unavailability of the declarant as a witness.''.

SEC. 312. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by—

(1) redesignating subsection (e) beginning with ''Whoever conspires'' as subsection (f); and

(2) adding at the end the following:

''(g) A prosecution under this section may be brought in the district in which the official proceeding (whether or not pending, about to be instituted or was completed) was intended to be affected or was completed, or in which the conduct constituting the alleged offense occurred.''.

SEC. 313. AMENDMENT OF SENTENCING GUIDELINES RELATING TO CERTAIN GANG AND VIOLENT CRIMES.

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend its guidelines and its policy statements to conform to the provisions of title I and this title.

(b) REQUIREMENTS.—In carrying out this section, the Sentencing Commission shall—

(1) establish new guidelines and policy statements, as warranted, in order to implement new or revised criminal offenses created under this title;

(2) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offenses and the penalties set

forth in this title, the growing incidence of serious gang and violent crimes, and the need to modify the sentencing guidelines and policy statements to deter, prevent, and punish such offenses;

(3) consider the extent to which the guidelines and policy statements adequately address—

(A) whether the guideline offense levels and enhancements for gang and violent crimes—

(i) are sufficient to deter and punish such offenses; and

(ii) are adequate in view of the statutory increases in penalties contained in the Act; and

(B) whether any existing or new specific offense characteristics should be added to reflect congressional intent to increase gang and violent crime penalties, punish offenders, and deter gang and violent crime;

(4) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(5) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(6) make any necessary conforming changes to the sentencing guidelines; and

(7) assure that the guidelines adequately meet the purposes of sentencing under section 3553(a)(2) of title 18, United States Code.

SEC. 314. SOLICITATION OR RECRUITMENT OF PERSONS IN CRIMINAL STREET GANG ACTIVITY.

Chapter 26 of title 18, United States Code, is amended by adding at the end the following:

"§ 522. Recruitment of persons to participate in a criminal street gang

''(a) PROHIBITED ACTS.—It shall be unlawful for any person to recruit, employ, solicit, induce, command, or cause another person to be or remain as a member of a criminal street gang, or conspire to do so, with the intent to cause that person to participate in an offense described in section 521(a).

''(b) DEFINITION.—In this section:

''(1) CRIMINAL STREET GANG.—The term 'criminal street gang' shall have the same meaning as in section 521(a) of this title.

''(2) MINOR.—The term 'minor' means a person who is less than 18 years of age.

''(c) PENALTIES.—Any person who violates subsection (a) shall—

''(1) be imprisoned not more than 5 years, fined under this title, or both; or

''(2) if the person recruited, solicited, induced, commanded, or caused to participate or remain in a criminal street gang is under the age of 18—

''(A) be imprisoned for not more than 10 years, fined under this title, or both; and

''(B) at the discretion of the sentencing judge, be liable for any costs incurred by the Federal Government, or by any State or local government, for housing, maintaining, and treating the person until the person attains the age of 18 years.''.

SEC. 315. INCREASED PENALTIES FOR CRIMINAL USE OF FIREARMS IN CRIMES OF VIOLENCE AND DRUG TRAFFICKING.

(a) IN GENERAL.—Section 924(c)(1)(A) of title 18, United States Code, is amended—

(1) by striking ''shall'' and inserting ''or conspires to commit any of the above acts, shall, for each instance in which the firearm is used, carried, or possessed'';

(2) in clause (i), by striking ''5 years'' and inserting ''7 years''; and

(3) by striking clause (ii).

(b) CONFORMING AMENDMENTS.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (c), by striking paragraph (4); and

(2) by striking subsection (o).

SEC. 316. POSSESSION OF FIREARMS BY DANGEROUS FELONS.

(a) IN GENERAL.—Section 924(e) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting after ''violates section 922(g) of this title'' and before ''and has three previous convictions'' the following: ''and has previously been convicted by any court referred to in section 922(g)(1) for a violent felony or a serious drug offense shall, in the case of 1 such prior conviction, where a period of not more than 10 years has elapsed since the date of the conviction or release of the person from imprisonment for that conviction, be subject to imprisonment for not more than 15 years a fine under this title, or both; in the case of 2 such prior convictions, committed on occasions different from one another, and where a period of not more than 10 years has elapsed since the date of the conviction or release of the person from imprisonment for that conviction, be subject to imprisonment for not more than 20 years a fine under this title, or both; and in the case of an individual who''; and

(2) by striking paragraph (2) and inserting the following:

''(2) As used in this subsection—

''(A) the term 'serious drug offense' means—

''(i) an offense under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.), punishable by a maximum term of imprisonment of not less than 10 years; or

''(ii) an offense under State law, involving manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), punishable by a maximum term of imprisonment of not less than 10 years;

''(B) the term 'violent felony' means any crime punishable by a term of imprisonment exceeding 1 year, or any act of juvenile delinquency involving the use or carrying of a firearm, knife, or destructive device that would be punishable by a maximum term of imprisonment for such term if committed by an adult, that—

''(i) has, as an element of the crime or act, the use, attempted use, or threatened use of physical force against the person of another; or

''(ii) is burglary, arson, or extortion, involves the use of explosives, or otherwise involves conduct that presents a serious potential risk of physical injury to another; and

''(C) the term 'conviction' includes a finding that a person has committed an act of juvenile delinquency involving a violent felony.''.

(b) AMENDMENT TO SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide for an appropriate increase in the offense level for violations of section 922(g) of title 18, United States Code, in accordance with section 924(e) of such title 18, as amended by subsection (a).

(c) CONFORMING AMENDMENT.—The matter before paragraph (1) in section 922(d) of title 18, United States Code, is amended by inserting '', transfer,'' after ''sell''.

SEC. 317. STANDARDIZATION OF CRIME REPORTING.

(a) EXPANDING UNIFORM CRIME REPORTING.—Section 7332(c) of the Uniform Federal Crime Reporting Act of 1988 (28 U.S.C. 534 note) is amended by—

(1) in paragraph (2), by—

(A) inserting ''along with all municipality police departments'' after ''which routinely investigate complaints of criminal activity,''; and

(B) adding at the end the following: ''The Attorney General shall create a separate category in the Uniform Crime Reports to distinguish crimes committed by juveniles.''; and

(2) in paragraph (3), by inserting '', officials of municipalities,'' after ''State governments''.

(b) CONSOLIDATING AND STANDARDIZING ALL CRIME DATA.—Section 150008 of the Violent Crime Control and law Enforcement Act of 1994 (42 U.S.C. 14062) is amended—

(1) in subsection (a), by—

(A) inserting '', consolidate, and standardize all'' after ''strategy to coordinate'';

(B) inserting ''and crime (that would be included in the Uniform Crime Reports) related'' after ''gang-related'';

(C) striking ''and'' after ''shall acquire'' and inserting '', consolidate, and standardize all'' after ''shall acquire, collect''; and

(D) inserting ''and other crimes that would be included in the Uniform Crime Reports'' after ''incidents of gang violence'';

(2) in subsection (c), by—

(A) inserting ''the efforts and strategy of the Department of Justice in consolidating and standardizing data on all crime and'' after ''prepare a report on'';

(B) striking ''violence'' after ''national gang'' and inserting ''offenses''; and

(C) striking ''1996'' after ''January 1,'' and inserting ''2008''; and

(3) in subsection (d), by—

(A) striking ''$1,000,000'' after ''carry out this section'' and substituting ''$2,000,000''; and

(B) striking ''1996'' after ''fiscal year,'' and inserting ''2007''.

SEC. 318. PROVIDING ADDITIONAL FORENSIC EXAMINERS.

Section 816 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (28 U.S.C. 509) is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (5) as (6) and inserting after paragraph (4) the following:

''(5) to hire additional forensic examiners to help with forensic work and to fight gang activity; and''; and

(2) in subsection (b), by striking paragraph (1) and inserting the following:

''(1) AUTHORIZATION.—There is hereby authorized to be appropriated in each fiscal year $55,000,000 for purposes of carrying out this section.''

SEC. 319. STUDY ON EXPANDING FEDERAL AUTHORITY FOR JUVENILE OFFENDERS.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the costs and benefits associated with expanding Federal authority to prosecute offenders under the age of 18 who are gang members who commit criminal offenses.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) examine the ability of the judicial systems of the States to respond effectively to juveniles who are members of `criminal street gangs', as defined under section 521 of title 18, United States Code;

(2) examine the extent to which offenders who are 16 and 17 years old are members of criminal street gangs, and are accused of committing violent crimes and prosecuted in the adult criminal justice systems of the individual States;

(3) determine the percentage of crimes committed by members of `criminal street

gangs' that are committed by offenders who are 16 and 17 years old;

(4) examine the extent to which United States attorneys currently bring criminal indictments and prosecute offenders under the age of 18, and the extent to which United States attorneys' offices include prosecutors with experience prosecuting juveniles for adult criminal violations;

(5) examine the extent to which the Bureau of Prisons houses offenders under the age of 18, and has the ability and experience to meet the needs of young offenders;

(6) estimate the cost to the Federal Government of prosecuting and incarcerating 16 and 17 year olds who are members of criminal street gangs and are accused of violent crimes; and

(7) detail any benefits for Federal prosecutions that would be realized by expanding Federal authority to bring charges against 16 and 17 year olds who are members of criminal street gangs and are accused of violent crimes.

By Mrs. CLINTON:

S. 4029. A bill to increase the number of well-educated nurses, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to introduce the Nursing Education and Quality of Health Care Act of 2006. This legislation is essential for addressing our current and future nursing shortages.

I have been hearing from nurses and health care providers from every part of New York that we are facing an impending nursing crisis and their stories echo what is heard from nurses across the Nation.

By 2014, the Bureau of Labor Statistics forecasts that there will be over 1 million job openings for registered nurses. In New York alone, we will need to produce over 80,000 new RNs to meet these projections. One of our greatest needs will be in rural areas where the pool of nurses is small and the loss of just one nurse from the workforce can have a profound impact on the health of the community.

I can proudly say we have made good progress in New York on one front. In 2006, 30 percent more registered nurses graduated than in 2004. I believe that we can credit this increase to the Nurse Reinvestment Act that was signed into law in 2002. Through this bipartisan legislation, we were able to make great strides in strengthening our nation's nursing workforce.

The Nurse Reinvestment Act includes a number of critical initiatives including one from the bipartisan bill I introduced with Senator GORDON SMITH to retain nurses who are already in the profession. The Clinton-Smith provision provides grants to health care organizations that develop and implement models based on magnet hospitals. Hospitals that have achieved magnet status report lower mortality rates, higher patient satisfaction, greater cost-efficiency, and patients experiencing shorter stays in hospitals and intensive care units.

But I am here today because nurses are still facing an urgent situation that requires action. Even though we are making strides to graduate more nurses, in 2005 over 37,000 qualified applicants were turned away from nursing schools in United States. In New York, it is estimated that nearly 3,000 nursing school applicants were denied entry. Put simply, we don't have the capacity in our nursing schools to train qualified potential students.

Not only are we facing a nursing shortage, we are setting ourselves up for a potential nursing crisis if we don't address the impending faculty shortage. This situation will become dire if we lose potential nurses due to the retirement of nurse faculty as that the aging population increases.

We need to pave the way and recruit more people into the nursing profession. This shortage crisis impacts not only the nurses, but also patients since we know that the quality of care increases when nurses are not working too many hours, are not treating too many patients, and are satisfied with their jobs.

Today I am here to support recruitment, education, and training to help alleviate this crisis in New York and in the rest of the nation through introduction of the Nursing Education and Quality of Health Care Act of 2006. This act will establish distance learning opportunities for people in rural communities who wish to pursue the nursing profession without leaving their home town. This legislation will also provide tuition assistance and loan forgiveness for those who choose to practice in rural communities.

To increase the number of nurses in the workforce we need to expand the nursing faculty so that thousands of qualified people are not turned away from the profession. This legislation will fund programs that will enhance recruitment, scholarships, and educational preparation and encourage more nurses to become faculty members by establishing online courses and accelerated degree programs.

We need for nurses to participate and collaborate in patient-safety initiatives for the well-being of patients. The Nursing Education and Quality of Health Care Act will take the lead on this issue by supporting projects that integrate patient safety practices into nursing education programs and enhance the leadership of nurses in improving patients' outcomes within their health care settings.

We will all rely on nurses sometime in our life, and we need to make sure that this essential member of the health care team will always be present at our bedsides.

I am pleased to be here encouraging Nurses, who are so critical to the successful operation of our hospitals and the quality of care patients receive. We should be doing everything we can to address the nursing shortage and to make nursing an attractive and rewarding profession.

The Nursing Education and Quality of Health Care Act of 2006 is supported by: American Association of Colleges of Nursing; American Nursing Association; American Organization of Nurse Executives; Brooklyn Nursing Partnership; New York State Area Health Education Center System

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By Mr. HATCH:

S. 4030. A bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce the REIT Investment Diversification and Empowerment Act of 2006 (RIDEA). This legislation would make a handful of relatively minor, but nonetheless important, changes to the tax rules governing Real Estate Investment Trusts to permit REITs to better meet the challenges of evolving market conditions and opportunities.

As most of my colleagues know, Real Estate Investment Trusts are companies that own, and in most cases, operate income-producing real estate. Congress created REITs in 1960 to give everyone the ability to invest in large-scale commercial properties in a very liquid way. The REIT industry has grown dramatically in size and importance to the U.S. economy since then, and in the last ten years in particular.

While the tax laws governing REITs are very good, from time to time they need to be modified to keep pace with the changes in the marketplace and in our economy. I am pleased to have supported, along with many of my colleagues, several tax bills that have been enacted in the past decade or so to modernize the tax treatment of Real Estate Investment Trusts.

Federal tax law requires that REITs meet specific tests regarding the composition of their gross income and assets. For example, 95 percent of their annual gross income must be from specified sources such as dividends, interests and rents, and 75 percent of their gross income must be from real estate-related sources. Similarly, at the end of each calendar quarter, 75 percent of a REIT's assets must consist of specified ''real estate'' assets. Consequently, REITs must derive a majority of their gross income from commercial real estate.

Failure to meet these tests can result in loss of REIT status, although with the enactment of the REIT Improvement Act in 2004, it may be possible for a REIT to pay a monetary penalty and bring itself into compliance in order to avoid such a result if the REIT can demonstrate reasonable cause for such failure.

Commercial real estate represents more than six percent of this country's gross domestic product and is a key generator of jobs and other economic activities. For example, REITs have invested over $1.2 billion in my home State of Utah and have thus been a major contributor to our robust economy. Over the past 46 years, Real Estate Investment Trusts have fulfilled

Congress' vision by making investments in large scale, capital intensive commercial real estate available to all investors.

Changes to the REIT rules that Congress has made in the past decade have allowed REITs to serve better their tenants while maximizing returns to REIT shareholders.

The bill I introduce today would further modify the REIT tax rules to conform to constantly evolving business realities, such as the growing importance of cross-border trade and the increased velocity of the competitive marketplace, while still focusing REITs on commercial real estate activities.

Specifically, the bill includes five titles.

The first would clarify the tax treatment of foreign currency gains attributable to overseas real estate investment. This is important as U.S. REITs continue to expand their investments overseas.

The second title would increase the permissible ownership of a REIT in a taxable REIT subsidiary to 25 percent from the current-law 20 percent. This change would bring the REIT rules into conformity with similar rules governing mutual funds.

Title III of the bill would update the safe harbor test for purposes of the 100 percent excise tax in relation to dealer sales. This would help REITs more prudently manage the timing and extent of their asset dispositions.

The bill's fourth title would conform the tax treatment of health care facilities to that of lodging facilities by treating as qualifying income rental payments attributable to a health care facility made to a REIT from a taxable REIT subsidiary. This change would allow health care REITs more flexibility.

Finally, the bill's fifth title would amend the REIT rules to provide that income from, and interests in, foreign-qualified REITs would be treated as qualifying REIT income and assets under the U.S. REIT rules under certain circumstances. This change is important because about 20 countries have now enacted legislation that closely resembles our REIT rules, and many U.S. REITs may wish to invest in a non-U.S. REIT. This would allow them to do so with a minimum of complexity.

I urge my colleagues to review this bill and lend their support to it. I realize that it is very late in the second session of the 109th Congress, and there is little time for us to consider newly-introduced tax bills. However, I hope to reintroduce this legislation in the next Congress if we do not get a chance to consider it this year.

I ask unanimous consent that a section-by-section analysis of the REIT Investment Diversification and Empowerment Act and the text of the bill be printed in the RECORD.

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

REIT INVESTMENT DIVERSIFICATION AND EMPOWERMENT ACT OF 2006

SECTION-BY-SECTION DESCRIPTION

The REIT Investment Diversification and Empowerment Act of 2006 (RIDEA) includes the following provisions to help modernize the tax rules governing Real Estate Investment Trusts to permit REITs to better meet the challenges of evolving market conditions and opportunities:

Title I: Foreign Currency and Other Qualified Activities

The Internal Revenue Service (IRS) has long recognized that U.S. REITs can, and do, invest outside the U.S., essentially recognizing that any income generated from REIT-permissible sources outside of the U.S. should not jeopardize the REIT's tax status. However, the treatment of foreign currency gains directly attributable to overseas real estate investment is not wholly clear, and its correct characterization is becoming increasingly important as U.S. REITs strengthen their positions in foreign markets.

To ensure that foreign currency gains do not harm a REIT's tax status, the IRS has provided a short-term solution by allowing certain REITs to establish a subsidiary REIT in each currency zone in which a REIT invests. However, the use of subsidiary REITs, each of which must satisfy the complex myriad of REIT rules or risk disqualification of the parent REIT, is a cumbersome and unmanageable solution in the long term. Accordingly, RIDEA would clarify existing law by characterizing foreign currency gains generated by a REIT outside the U.S. as ''good'' REIT income so long as the REIT focuses on commercial real estate, as measured by specific objective rules. Despite the IRS' authority to prescribe similar rules, the absence of such guidance necessitates legislative clarification to provide certainty to REIT management and their shareholders within a more administrable framework.

RIDEA also would delegate to the IRS the express authority to issue guidance with respect to whether any other item of income should satisfy the REIT gross income tests or should not be taken into account in calculating these tests. While the IRS often has been willing to grant such rulings to specific taxpayers, these rulings cannot be relied on by other taxpayers and in any event do not cover all circumstances.

Thus, RIDEA would: (1) characterize foreign currency gains attributable to a REIT's ownership and operation of overseas real estate assets as qualifying income under REIT gross income tests; (2) conform the current REIT hedging rule to also apply to foreign currency gains and to apply those rules for purposes of the REIT gross income tests under current law; (3) specifically provide the Department of the Treasury the authority to issue guidance on other items of income to either qualify under the REIT gross income tests or to provide that items of income are not taken into account in computing those tests; (4) treat foreign currency as a qualifying real estate asset; and (5) make conforming changes to other REIT provisions reflecting foreign currency gains.

Title II: Taxable REIT Subsidiaries

As originally introduced in 1999, the REIT Modernization Act (RMA) limited a REIT's ownership in taxable REIT subsidiaries (TRS) to 25 percent of a REIT's gross assets. However, the limit was reduced to 20 percent when Congress ultimately enacted the RMA as part of the Ticket to Work Incentives Improvement Act of 1999.

RIDEA would increase the limit on TRS securities from 20 percent to 25 percent of a REIT's gross assets. The rationale for a 25 percent limit on TRSs that was contained in the RMA remains the same today. The dividing line for testing a concentration on commercial real estate in the REIT rules has long been set at 25 percent, and even the mutual fund rule uses a 25 percent test. An IRS study shows increasing amounts of taxes paid by new TRSs, and common sense tells IUS that permitting increased activities in a double tax regime should increase revenues to the fisc compared to a single tax regime.

Title III: Dealer Sales

The Internal Revenue Code imposes a 100 percent excise tax on profits generated on sales of property in which a REIT is acting as a dealer rather than an investor. Because of the confiscatory nature of this 100 percent excise tax, the Code provides a ''safe harbor'' under which a REIT can be assured that the excise tax does not apply if it satisfies a number of requirements. RIDEA would make two changes to the dealer safe harbor.

One requirement under current law is that the REIT not either make seven sales in a taxable year or sell more than 10 percent of its portfolio each year. However, the test as currently constructed penalizes many REITs that have owned their properties for a long period of time. This is because the test is geared to the property's ''tax basis,'' an amount that diminishes over time due to tax depreciation, rather than ''fair market value'', an amount that generally increases over time. Second, the current test requires that a REIT hold a property for at least four years, three years longer than the general holding period required to distinguish between an ''investor'' and a ''dealer'' in property.

RIDEA would update this safe harbor to test ''fair market'' value instead of ''tax basis'' to allow REITs that have owned their properties for longer periods not be penalized and thereby prevented from prudently managing the timing and extent of asset dispositions. As part of the REIT Modernization Act of 1999, Congress adopted a provision that utilizes fair market value rules for purposes of calculating personal property rents associated with the rental of real property. Thus, there is an analogous precedent for a fair value approach.

The safe harbor also would be amended to replace the 4-year holding period with a 2-year holding period. The 4-year requirement is not consistent with other Code provisions that define whether property is held for long term investments, such as the 1-year holding period to determine long-term capital gains treatment, and the 2-year holding period to distinguish whether the sale of a home is taxable because it is held for investment purposes.

Title IV: Health Care REITs

Generally, rental payments made from a subsidiary owned by a REIT to that REIT are not considered qualified rental income for REIT purposes under the ''related party rules''. However, as part of the REIT Modernization Act of 1999 (RMA), a lodging REIT is allowed to establish a taxable REIT subsidiary (TRS) that can lease lodging facilities from a REIT holding a controlling interest, with the payments to the REIT considered qualified income under the REIT rules. The RMA also created a rule under which a TRS is not allowed to operate or manage lodging or health care facilities.

At the time the RMA was considered, it was not clear that health care REITs would be interested in such treatment, so health care facilities do not qualify for the RMA exception to the related party rules. Today, many operators of health care assets such as assisted living facilities do not want to bear the financial risks of being a lessee of such facilities and would rather act purely as an

independent operator of the facilities. Health care REITs now believe that the TRS restriction is interfering with their ability to manage their operations in the most efficient manner.

RIDEA would conform the treatment of health care facilities to that of lodging facilities by treating as qualifying income rental payments attributable to a health care facility made to a REIT from a taxable REIT subsidiary. Under this proposal, a TRS would still be required to use an independent contractor to manage or operate health care facilities, but payments collected by a REIT from its TRS renting health care facilities would be qualified income under the REIT tests.

Title V: Foreign REITs

Since imitation is the sincerest form of flattery, Congress should be proud that about 20 countries have enacted legislation paralleling the U.S. REIT rules after observing the benefits brought to the United States as a result of a vibrant REIT market. The number of countries that have adopted REIT-like legislation this past decade has greatly accelerated, with Israel being the latest country to do so and legislation in the United Kingdom going into effect on January 1, 2007. Although the tax code treats stock in a U.S. REIT as a real estate asset, so that it is a qualified asset that generates qualifying income, current law does not afford the same treatment to the stock of non-U.S. REITs.

A U.S. REIT might want to invest in another country through a REIT organized in that country. A company could lose its status as a U.S. REIT if it owns more than 10 percent of the foreign REIT's securities, even though the foreign company looks and acts like a U.S. REIT. A REIT should not be discouraged from investing in an entity that engages in the same activities that a U.S. REIT is allowed to undertake if it invests directly in another country.

RIDEA would amend the REIT rules to provide that income from, and interests in, foreign-qualified REITs would be treated as qualifying REIT income and assets under the U.S. REIT rules provided that under the laws of another country: (1) at least 75 percent of the foreign company's assets must be invested in real estate assets; (2) the foreign REIT either receives a dividends paid deduction or is exempt from corporate level tax; and (3) the foreign REIT is required to distribute at least 85 percent of its taxable income to shareholders on an annual basis.

S. 4030

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 ''REIT Investment Diversification and Empowerment Act of 2006''.

SEC. 2. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in the Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—FOREIGN CURRENCY AND OTHER QUALIFIED ACTIVITIES

SEC. 101. REVISIONS TO REIT INCOME TESTS.

(a) ADDITION OF PERMISSIBLE INCOME CATEGORIES.—Section 856(c) (relating to limitations) is amended—

(1) by striking ''and'' at the end of paragraph (2)(G) and by inserting after paragraph (2)(H) the following new subparagraphs:

''(I) passive foreign exchange gains; and

''(J) any other item of income or gain as determined by the Secretary;'', and

(2) by striking ''and'' at the end of paragraphs (3)(H) and (3)(I) and by inserting after paragraph (3)(I) the following new subparagraphs:

''(J) real estate foreign exchange gains; and

''(K) any other item of income or gain as determined by the Secretary; and''.

(b) RULES REGARDING FOREIGN CURRENCY TRANSACTIONS.—Section 856 (defining real estate investment trust) is amended by adding at the end the following new subsection:

''(n) RULES REGARDING FOREIGN CURRENCY TRANSACTIONS.—With respect to any taxable year—

''(1) REAL ESTATE FOREIGN EXCHANGE GAINS.—For purposes of subsection (c)(3)(J), the term 'real estate foreign exchange gains' means—

''(A) foreign currency gains (as defined in section 988(b)(1)) which are attributable to—

''(i) any item described in subsection (c)(3),

''(ii) the acquisition or ownership of obligations secured by mortgages on real property or on interests in real property (other than foreign currency gains described in clause (i)), or

''(iii) becoming or being the obligor under obligations secured by mortgages on real property or on interests in real property (other than foreign currency gains described in clause (i)),

''(B) gains described in section 987 attributable to a qualified business unit (as defined by section 989) of the real estate investment trust, but only if such qualified business unit meets the requirements under—

''(i) subsection (c)(3) for the taxable year; and

''(ii) subsection (c)(4)(A) at the close of each quarter that the real estate investment trust has directly or indirectly held the qualified business unit, and

''(C) any other foreign currency gains as determined by the Secretary.

''(2) PASSIVE FOREIGN EXCHANGE GAINS.—For purposes of subsection (c)(2)(I), the term 'passive foreign exchange gains' means—

''(A) gains described under paragraph (1),

''(B) foreign currency gains (as defined in section 988(b)(1)) which are attributable to any item described in subsection (c)(2) (other than those items includible under subparagraph (A)), and

''(C) any other foreign currency gains as determined by the Secretary.''.

(c) ADDITION TO REIT HEDGING RULE.—Subparagraph (G) of section 856(c)(5) is amended to read as follows:

''(G) TREATMENT OF CERTAIN HEDGING INSTRUMENTS.—Except to the extent as determined by the Secretary—

''(i) any income of a real estate investment trust from a hedging transaction (as defined in clause (ii) or (iii) of section 1221(b)(2)(A)) which is clearly identified pursuant to section 1221(a)(7), including gain from the sale or disposition of such a transaction, shall not constitute gross income under paragraphs (2) and (3) to the extent that the transaction hedges any indebtedness incurred or to be incurred by the trust to acquire or carry real estate assets, and

''(ii) any income of a real estate investment trust from a transaction entered into by the trust primarily to manage risk of currency fluctuations with respect to any item described in paragraphs (2) and (3), including gain from the termination of such a transaction, shall not constitute gross income under paragraphs (2) and (3), but only if such transaction is clearly identified as such before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may prescribe).''.

(d) AUTHORITY TO EXCLUDE ITEMS OF INCOME FROM REIT INCOME TESTS.—Section 856(c)(5) is amended by adding at the end the following new subparagraph:

''(H) SECRETARIAL AUTHORITY TO EXCLUDE OTHER ITEMS OF INCOME.—The Secretary is authorized to determine whether any item of income or gain which does not otherwise qualify under paragraph (2) or (3) may be considered as not constituting gross income solely for purposes of this part.''.

SEC. 102. REVISIONS TO REIT ASSET TESTS.

(a) CLARIFICATION OF VALUATION TEST.—The first sentence in the matter following section 856(c)(4)(B)(iii)(III) is amended by inserting ''(including a discrepancy caused solely by the change in the foreign currency exchange rate used to value a foreign asset)'' after ''such requirements''.

(b) CLARIFICATION OF PERMISSIBLE ASSET CATEGORY.—Section 856(c)(5), as amended by section 101(d), is amended by adding at the end the following new subparagraph:

''(I) CASH.—For purposes of this part, the term 'cash' includes foreign currency if the real estate investment trust or its qualified business unit (as defined in section 989) uses such foreign currency as its functional currency (as defined in section 985(b)).''.

SEC. 103. CONFORMING FOREIGN CURRENCY REVISIONS.

(a) NET INCOME FROM FORECLOSURE PROPERTY.—Clause (i) of section 857(b)(4)(B) is amended to read as follows:

''(i) gain (including any foreign currency gain, as defined in section 988(b)(1)) from the sale or other disposition of foreclosure property described in section 1221(a)(1) and the gross income for the taxable year derived from foreclosure property (as defined in section 856(e)), but only to the extent such gross income is not described in (or, in the case of foreign currency gain, not attributable to gross income described in) section 856(c)(3) other than subparagraph (F) thereof, over''.

(b) NET INCOME FROM PROHIBITED TRANSACTIONS.—Clause (i) of section 857(b)(6)(B) is amended to read as follows:

''(i) the term 'net income derived from prohibited transactions' means the excess of the gain (including any foreign currency gain, as defined in section 988(b)(1)) from prohibited transactions over the deductions (including any foreign currency loss, as defined in section 988(b)(2)) allowed by this chapter which are directly connected with prohibited transactions;''.

TITLE II—TAXABLE REIT SUBSIDIARIES

SEC. 201. CONFORMING TAXABLE REIT SUBSIDIARY ASSET TEST.

Section 856(c)(4)(B)(ii) is amended by striking ''20 percent'' and inserting ''25 percent''.

TITLE III—DEALER SALES

SEC. 301. HOLDING PERIOD UNDER SAFE HARBOR.

Section 857(b)(6) (relating to income from prohibited transactions) is amended—

(1) by striking ''4 years'' in subparagraphs (C)(i), (C)(iv), and (D)(i) and inserting ''2 years'',

(2) by striking ''4-year period'' in subparagraphs (C)(ii), (D)(ii), and (D)(iii) and inserting ''2-year period'', and

(3) by striking ''real estate asset'' and all that follows through ''if'' in the matter preceding clause (i) of subparagraphs (C) and (D) and inserting ''real estate asset (as defined in section 856(c)(5)(B) otherwise described in section 1221(a)(1) if''.

SEC. 302. DETERMINING VALUE OF SALES UNDER SAFE HARBOR.

Subparagraphs (C)(iii)(II) and (D)(iv)(II) of section 857(b)(6) are each amended by striking ''the aggregate adjusted bases'' and all that follows through ''the beginning of the taxable year'' and inserting ''the fair market

value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year''.

TITLE IV—HEALTH CARE REITS

SEC. 401. CONFORMITY FOR HEALTH CARE FACILITIES.

(a) RELATED PARTY RENTALS.—Subparagraph (B) of section 856(d)(8) (relating to special rule for taxable REIT subsidiaries) is amended to read as follows:

''(B) EXCEPTION FOR CERTAIN LODGING FACILITIES AND HEALTH CARE PROPERTY.—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified lodging facility or a qualified health care property (as defined in subsection (e)(6)(D)(i)) leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor.''.

(b) ELIGIBLE INDEPENDENT CONTRACTOR.—Subparagraphs (A) and (B) of section 856(d)(9) (relating to eligible independent contractor) are amended to read as follows:

''(A) IN GENERAL.—The term 'eligible independent contractor' means, with respect to any qualified lodging facility or qualified health care property (as defined in subsection (e)(6)(D)(i)), any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate such qualified lodging facility or qualified health care property, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities or qualified health care properties, respectively, for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.

''(B) SPECIAL RULES.—Solely for purposes of this paragraph and paragraph (8)(B), a person shall not fail to be treated as an independent contractor with respect to any qualified lodging facility or qualified health care property (as so defined) by reason of the following:

''(i) The taxable REIT subsidiary bears the expenses for the operation of such qualified lodging facility or qualified health care property pursuant to the management agreement or other similar service contract.

''(ii) The taxable REIT subsidiary receives the revenues from the operation of such qualified lodging facility or qualified health care property, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.

''(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as of the later of —

''(I) January 1, 1999, or

''(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility or qualified health care property.''.

TITLE V—FOREIGN REITS

SEC. 501. STOCK OF FOREIGN REITS AS REAL ESTATE ASSETS.

(a) IN GENERAL.—The first sentence in section 856(c)(5)(B) is amended by inserting ''or in a qualified foreign REIT'' after ''this part''.

(b) QUALIFIED FOREIGN REIT.—Section 856(c) is amended by adding at the end the following new paragraph:

''(8) QUALIFIED FOREIGN REIT.—For purposes of this subsection, the term 'qualified foreign REIT' means a corporation, trust, or association—

''(A) treated as a corporation under section 7701(a)(3),

''(B) the shares or certificates of beneficial interests of which are regularly traded on an established securities market, and

''(C) which is organized in a country under rules that the Secretary determines meet the following criteria:

''(i) At least 75 percent of the entity's assets must qualify as real estate assets (determined without regard to shares or transferable certificates of beneficial interest in such entity), as determined at the close of the entity's prior taxable year.

''(ii) The entity either receives a dividends paid deduction comparable to section 561 or is exempt from corporate level tax.

''(iii) The entity is required to distribute at least 85 percent of its annual taxable income (as computed in the jurisdiction in which it is organized) to the holders of its shares or certificates of beneficial interest on an annual basis.''.

SEC. 502. DIVIDENDS FROM FOREIGN REITS.

Section 856(c)(3)(D) is amended by inserting ''and in qualified foreign REITs'' after ''this part''.

TITLE VI—EFFECTIVE DATES

SEC. 601. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this Act shall apply to taxable years beginning after the date of the enactment of this Act.

(b) REIT HEDGING RULES.—The amendment made by section 101(c) shall apply to transactions entered into after the date of the enactment of this Act.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mr. DURBIN, Mr. SCHUMER, and Mrs. CLINTON):

S. 4033. A bill to provide for Kindergarden Plus programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce legislation to jump-start the chance for success in school for this Nation's low-income children. Today I am introducing the Sandy Feldman Kindergarten Plus Act of 2006.

The legislation I am introducing today will provide children below 185 percent of the poverty line with additional time in kindergarten during the summer before and the summer after the traditional kindergarten school year, and help to ensure that more children enter school ready to succeed. The kindergarten year is an important time of transition for young children. It represents the first year of schooling for 98 percent of the children in the United States, and it marks the bridge between early childhood education and the primary grades of school.

Many may ask why an initiative that will give an extra four months of kindergarten to low-income children? The answer is simple. Because too many low-income children today enter kindergarten unprepared for the year ahead and many children from low-income families are constantly outperformed by their wealthier peers.

We can, however, do a better job of preparing less fortunate children for school. We can expose them to classroom practices and routines and the expectations for kindergarten behavior and protocol. We can introduce them to educational concepts and help them understand that classrooms have rules. We can expose them to literature, story time or circle time. We can help them understand that books are made up of printed words and that words are made up of individual letters. We can ask them questions to help develop their critical thinking skills, like what do you think will happen next in the story? We can offer them ''show and tell'' to develop their oral language skills and ability to speak out loud in sequential sentences. Simply put, we need to provide them with a solid foundation that allows them to enter school with the skills necessary to become strong students.

How does this translate into school readiness? About 85 percent of high-income children, compared to 39 percent of low-income children, can recognize letters of the alphabet upon arrival in kindergarten. About half the children of college graduates can identify the beginning sounds of words, but only 9 percent of the children whose parents didn't complete high school can recognize the beginning sounds of words. Low-income children often have a more limited vocabulary. By the time they are in first grade, children in low-income families have 5,000 word vocabularies. In contrast, children from more affluent families enter school with vocabularies of 20,000 words. These are significant discrepancies.

In the John Hopkins University report, ''Schools, Achievement, and Inequality: A Seasonal Perceptive,'' recommendations are made to improve the socioeconomic differences in the seasonality of children's learning over the school and summer months. The report that states during the summer, upper socioeconomic status (SES) children's skills continue to advance, but lower SES children's gains, on average, are flat. Pre-school and kindergarten can reduce the achievement gap associated with SES when children start first grade, but to help them keep up it requires extra resources and enrichment experiences. Summer education programs can build potential for economically disadvantaged children and their parents in support of academic development.

What we know from the research is that children can enter kindergarten better prepared to learn. We may not be able to close the gap between low-income children and their wealthier peers, but we can certainly narrow it considerably. This is what this legislation strives to do.

This legislation was named after Sandy Feldman who was a tireless advocate for children and public education who died last year after a long battle with cancer. Her commitment to social justice and her authority on urban education dates to her involvement with the civil rights movement.

Sandy rose from her position as second grade elementary school teacher to

become president of the 1.3 million-member American Federation of Teachers. She also knew that all too often, we don't give our schools the resources they need to make all students' dreams come to fruition. Her focus on early childhood education led her to develop the concept for this legislation and it was Sandy who spent countless hours developing the details to ensure this would be a high quality initiative.

I am joined in introducing this legislation by my colleagues Senators KENNEDY, KERRY, LIEBERMAN, DURBIN, SCHUMER, and CLINTON. This bill is also supported by the American Federation of Teachers, the Parent Teacher Association, National Education Association, Council of Great City Schools, the Society for Research in Child Development, American Federation of State, County, and Municipal Employees, Service Employees of International Union, National Head Start Association, the Children's Defense Fund and Easter Seals. I urge my colleagues to join this effort and cosponsor the legislation. I encourage them to help give low-income children a jump-start on school success.

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

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

S. 4033

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 ''Kindergarten Plus Act of 2006''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Kindergarten has proven to be a beneficial experience for children, putting children on a path that positively influences their learning and development in later school years.

(2) Kindergarten and the years leading up to kindergarten are critical in preparing children to succeed in elementary school, especially if the children are from low-income families or have other risks of difficulty in school.

(3) Disadvantaged children, on average, lag behind other children in literacy, numeracy, and social skills, even before formal schooling begins.

(4) For many children entering kindergarten, the achievement gap between children from low-income households compared to children from high-income households is already evident.

(5) Eighty-five percent of beginning kindergartners in the highest socioeconomic group, compared to 39 percent in the lowest socioeconomic group, can recognize letters of the alphabet. Similarly, 98 percent of beginning kindergartners in the highest socioeconomic group, compared to 84 percent of their peers in the lowest socioeconomic group, can recognize numbers and shapes.

(6) Once disadvantaged children are in school, they learn at the same rate as other children. Therefore, providing disadvantaged children with additional time in kindergarten, in the summer before such children ordinarily enter kindergarten and in the summer before first grade, will help schools close achievement gaps and accelerate the academic progress of their disadvantaged students.

(7) High quality, extended-year kindergarten that provides children with enriched learning experiences is an important factor in helping to close achievement gaps, rather than having the gaps continue to widen.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE STUDENT.—The term ''eligible student'' means a child who—

(A) is a 5-year old, or will be eligible to attend kindergarten at the beginning of the next school year;

(B) comes from a family with an income at or below 185 percent of the poverty line; and

(C) is not already served by a high-quality program in the summer before or the summer after the child enters kindergarten.

(2) KINDERGARTEN PLUS.—The term ''Kindergarten Plus'' means a voluntary full day of kindergarten, during the summer before and during the summer after, the traditional kindergarten school year (as determined by the State).

(3) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) PARENT.—The term ''parent'' includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).

(5) PARENTAL INVOLVEMENT.—The term ''parental involvement'' means the participation of parents in regular, 2-way, and meaningful communication with school personnel involving student academic learning and other school activities, including ensuring that parents—

(A) play an integral role in assisting their child's learning;

(B) are encouraged to be actively involved in their child's education at school; and

(C) are full partners in their child's education and are included, as appropriate, in decisionmaking and on advisory committees to assist in the education of their child.

(6) POVERTY LINE.—The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(7) ELIGIBLE PROVIDER.—The term ''eligible provider'' means a local educational agency or a private not-for-profit agency or organization, with a demonstrated record in the delivery of early childhood education services to preschool-age children, that provides high-quality early learning and development experiences that—

(A) are aligned with the expectations for what children should know and be able to do when the children enter kindergarten and grade 1, as established by the State educational agency; or

(B) in the case of an entity that is not a local educational agency and that serves children who have not entered kindergarten, meet the performance standards and performance measures described in subparagraphs (A) and (B) of subsection (a)(1), and subsection (b), of section 641A of the Head Start Act (42 U.S.C. 9836a) or the prekindergarten standards of the State where the entity is located.

(8) SCHOOL READINESS.—The term ''school readiness'' means the cognitive, social, emotional, approaches to learning, and physical development of a child, including early literacy and early mathematics skills, that prepares the child to learn and succeed in elementary school.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(10) STATE EDUCATIONAL AGENCY.—The term ''State educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 4. GRANTS TO STATE EDUCATIONAL AGENCIES AUTHORIZED.

(a) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to provide Kindergarten Plus within the State.

(b) SUFFICIENT SIZE.—To the extent possible, the Secretary shall ensure that each grant awarded under this section is of sufficient size to enable the State educational agency receiving the grant to provide Kindergarten Plus to all eligible students served by the local educational agencies within the State with the highest concentrations of eligible students.

(c) MINIMUM AMOUNT.—The Secretary shall not award a grant to a State educational agency under this section in an amount that is less than $500,000.

(d) STATE USE OF FUNDS.—A State educational agency shall use—

(1) not more than 3 percent of the grant funds received under this Act for administration of the Kindergarten Plus programs supported under this Act;

(2) not more than 5 percent of the grant funds received under this Act to develop professional development activities and curricula for teachers and staff of Kindergarten Plus programs in order to develop a continuum of developmentally appropriate curricula and practices for preschool, kindergarten, and grade 1 that ensures—

(A) an effective transition to kindergarten and to grade 1 for students; and

(B) appropriate expectations for the students' learning and development as the students make the transition to kindergarten and to grade 1; and

(3) the remainder of the grant funds to award subgrants to local educational agencies.

(e) PRIORITY.—In awarding grants under this Act the Secretary shall give priority to State educational agencies that—

(1) on their own or in combination with other government agencies, provide full-day kindergarten to all kindergarten-age children who are from families with incomes below 185 percent of the poverty line within the State; or

(2) demonstrate progress toward providing full-day kindergarten to all kindergarten-age children who are from families with incomes below 185 percent of the poverty line within the State by submitting a plan that shows how the State educational agency will, at a minimum, double the number of such children that were served by a full-day kindergarten program in the school year preceding the school year for which assistance is first sought.

SEC. 5. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—Each State educational agency that receives a grant under this Act—

(1) shall reserve an amount sufficient to continue to fund multiyear subgrants awarded under this section; and

(2) shall award subgrants to local educational agencies within the State to enable the local educational agencies to pay the Federal share of the costs of carrying out Kindergarten Plus programs for eligible students.

(b) PRIORITY.—In awarding subgrants under this section the State educational agency shall give priority to local educational agencies—

(1) serving the greatest number or percentage of kindergarten-age children who are from families with incomes below 185 percent of the poverty line, based on data from the most recent school year; and

(2) that propose to significantly reduce the class size and student-to-teacher ratio of the classes in their Kindergarten Plus programs below the average class size and student-to-teacher ratios of kindergarten classes served by the local educational agencies.

(c) FEDERAL SHARE.—The Federal share of the costs of carrying out a Kindergarten Plus program shall be—

(1) 100 percent for the first, second, and third years of the program;

(2) 85 percent for the fourth year of the program; and

(3) 75 percent for the fifth year of the program.

(d) IN-KIND CONTRIBUTIONS.—The non-Federal share of the costs of carrying out a Kindergarten Plus program may be in the form of in-kind contributions.

SEC. 6. STATE APPLICATION.

(a) IN GENERAL.—In order to receive a grant under this Act, a State educational agency shall submit an application to the Secretary at such time and containing such information as the Secretary determines appropriate.

(b) CONSULTATION.—The application shall be developed by the State educational agency in consultation with representatives of early childhood education programs, early childhood education teachers, principals, pupil services personnel, administrators, paraprofessionals, other school staff, early childhood education providers (including Head Start agencies, State prekindergarten program staff, and child care providers), teacher organizations, parents, and parent organizations.

(c) CONTENTS.—At a minimum, the application shall include—

(1) a description of developmentally appropriate teaching practices and curricula for children that will be put in place to be used by local educational agencies and eligible providers offering Kindergarten Plus programs to carry out this Act;

(2) a general description of the nature of the Kindergarten Plus programs to be conducted with funds received under this Act, including—

(A) the number of hours each day and the number of days each week that children in each Kindergarten Plus program will attend the program; and

(B) if a Kindergarten Plus program meets for less than 9 hours a day, how the needs of full-time working families will be addressed;

(3) goals and objectives to ensure that high-quality Kindergarten Plus programs are provided;

(4) an assurance that students enrolled in Kindergarten Plus programs funded under this Act will receive additional comprehensive services (such as nutritional services, health care, and mental health care), as needed; and

(5) a description of how—

(A) the State educational agency will coordinate and integrate services provided under this Act with other educational programs, such as Even Start, Head Start, Reading First, Early Reading First, State-funded preschool programs, preschool programs funded under section 619 or other provisions of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1411 et seq.), and kindergarten programs;

(B) the State will provide professional development for teachers and staff of local educational agencies and eligible providers that receive subgrants under this Act regarding how to address the school readiness needs of children (including early literacy, early mathematics, and positive behavior) before the children enter kindergarten, throughout the school year, and into the summer after kindergarten;

(C) the State will assist Kindergarten Plus programs to provide exemplary parent education and parental involvement activities such as training and materials to assist parents in being their children's first teachers at home or home visiting;

(D) the State will conduct outreach to parents with eligible students, including parents whose native language is not English, parents of children with disabilities, and parents of migratory children; and

(E) the State educational agency will ensure that each Kindergarten Plus program uses developmentally appropriate practices, including practices and materials that are culturally and linguistically appropriate for the population of children being served in the program.

SEC. 7. LOCAL APPLICATION.

(a) IN GENERAL.—In order to receive a subgrant under this Act, a local educational agency shall submit an application to the State educational agency at such time and containing such information as the State educational agency determines appropriate.

(b) CONSULTATION.—The application shall be developed by the local educational agency in consultation with early childhood education teachers, principals, pupil services personnel, administrators, paraprofessionals, other school staff, early childhood education providers (including Head Start agencies, State prekindergarten program staff, and child care providers), teacher organizations, parents, and parent organizations.

(c) CONTENTS.—At a minimum, the application shall include a description of—

(1) the standards, research-based and developmentally appropriate curricula, teaching practices, and ongoing assessments for the purposes of improving instruction and services, to be used by the local educational agency that—

(A) are aligned with the State expectations for what children should know and be able to do when the children enter kindergarten and grade 1, as set by the State educational agency; and

(B) include—

(i) language skills, including an expanded use of vocabulary;

(ii) interest in and appreciation of books, reading, writing alone or with others, and phonological and phonemic awareness;

(iii) premathematics knowledge and skills, including aspects of classification, seriation, number sense, spatial relations, and time;

(iv) other cognitive abilities related to academic achievement;

(v) social and emotional development, including self-regulation skills;

(vi) physical development, including gross and fine motor development skills;

(vii) in the case of limited English proficiency, progress toward the acquisition of the English language; and

(viii) approaches to learning;

(2) how the local educational agency will ensure that the Kindergarten Plus program uses curricula and practices that—

(A) are developmentally, culturally, and linguistically appropriate for the population of children served in the program; and

(B) are aligned with the State learning standards and expectations for children in kindergarten and grade 1;

(3) how the Kindergarten Plus program will improve the school readiness of children served by the local educational agency under this Act, especially in mathematics and reading;

(4) how the Kindergarten Plus program will provide continuity of services and learning for children who were previously served by a different program;

(5) how the local educational agency will ensure that the Kindergarten Plus program has appropriate services and accommodations in place to serve children with disabilities and children who are limited English proficient;

(6) how the local educational agency will perform a needs assessment to avoid duplication with other programs within the geographic area served by the local educational agency;

(7) how the local educational agency will—

(A) transition Kindergarten Plus participants into local elementary school programs and services;

(B) ensure the development and use of systematic, coordinated records on the educational development of each child participating in the Kindergarten Plus program through periodic meetings and communications among—

(i) Kindergarten Plus program teachers;

(ii) elementary school staff; and

(iii) local early childhood education program providers, including Head Start agencies, State prekindergarten program staff, and center-based and family child care providers;

(C) provide parent and child orientation sessions conducted by teachers and staff; and

(D) provide a qualified staff person to be in charge of coordinating the transition services;

(8) how the local educational agency will provide instructional and environmental accommodations in the Kindergarten Plus program for children who are limited English proficient, children with disabilities, migratory children, neglected or delinquent youth, Indian children served under part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.), homeless children, and immigrant children;

(9) how the local educational agency will conduct outreach to parents of eligible students, including parents whose native language is not English, parents of children with disabilities, and parents of migratory children, which may include—

(A) activities to provide parents early exposure to the school environment, including meetings with teachers and staff;

(B) activities to better engage and inform parents on the benefits of Kindergarten Plus and other programs; and

(C) other efforts to ensure that parents have a level of comfort with the Kindergarten Plus program and the school environment;

(10) how the local educational agency will assist the Kindergarten Plus program to provide exemplary parent education and parental involvement activities such as training and materials to assist parents in being their children's first teachers at home or home visiting; and

(11) how the local educational agency will work with local center-based and family child care providers and Head Start agencies to ensure—

(A) the nonduplication of programs and services; and

(B) that the needs of working families are met through child care provided before and after the Kindergarten Plus program.

SEC. 8. LOCAL REQUIREMENTS AND PROVISIONS.

(a) LOCAL USES OF FUNDS.—A local educational agency that receives a subgrant under this Act shall use the subgrant funds for the following:

(1) The operational and program costs associated with the Kindergarten Plus program as described in the application to the State educational agency.

(2) Personnel services, including teachers, paraprofessionals, and other staff as needed.

(3) Additional services, as needed, including snacks and meals, mental health care, health care, linguistic assistance, special education and related services, and transportation services associated with the needs of the children in the program.

(4) Transition services to ensure children make a smooth transition into first grade and proper communication is made with the elementary school on the educational development of each child.

(5) Outreach and recruitment activities, including community forums and public service announcements in local media in various languages if necessary to ensure that all individuals in the community are aware of the availability of such program.

(6) Parental involvement programs, including materials and resources to help parents become more involved in their child's learning at home.

(7) Extended day services for the eligible students of working families, including working with existing programs in the community to coordinate services if possible.

(8) Child care services, provided through coordination with local center-based child care and family child care providers, and Head Start agencies, before and after the Kindergarten Plus program for the children participating in the program, to accommodate the schedules of working families.

(9) Enrichment activities, such as—

(A) art, music, and other creative arts;

(B) outings and field trips; and

(C) other experiences that support children's curiosity, motivation to learn, knowledge, and skills.

(b) ELIGIBLE PROVIDER GRANTS AND APPLICATIONS.—The local educational agency may use subgrant funds received under this Act to award a grant to an eligible provider to enable the eligible provider to carry out a Kindergarten Plus program for the local educational agency. Each eligible provider desiring a grant under this subsection shall submit an application to the local educational agency that contains the descriptions set forth in section 7 as applied to the eligible provider.

(c) CONTINUITY.—In carrying out a Kindergarten Plus program under this Act, a local educational agency is encouraged to explore ways to develop continuity in the education of children, for instance by keeping, if possible, the same teachers and personnel from the summer before kindergarten, through the kindergarten year, and during the summer after kindergarten.

(d) COORDINATION.—In carrying out a Kindergarten Plus program under this Act, a local educational agency shall coordinate with existing programs in the community to provide extended care and comprehensive services for children and their families in need of such care or services.

SEC. 9. TEACHER AND PERSONNEL QUALITY STANDARDS.

To be eligible for a subgrant under this Act, each local educational agency shall ensure that—

(1) each Kindergarten Plus classroom has—

(A) a highly qualified teacher, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); or

(B) if an eligible provider who is not a local educational agency is providing the Kindergarten Plus program in accordance with section 8(b), a teacher that, at a minimum, has a bachelor's degree in early childhood education or a related field and experience in teaching children of this age;

(2) a qualified paraprofessional that meets the requirements for paraprofessionals under section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319), is in each Kindergarten Plus classroom;

(3) Kindergarten Plus teachers and paraprofessionals are compensated on a salary scale comparable to kindergarten through grade 3 teachers and paraprofessionals in public schools served by the local educational agency; and

(4) Kindergarten Plus class sizes do not exceed the class size and ratio parameters set at the State or local level for the traditional kindergarten program.

SEC. 10. DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) GRANTS AUTHORIZED.—If a State educational agency does not apply for a grant under this Act or does not have an application approved under section 6, then the Secretary is authorized to award a grant to a local educational agency within the State to enable the local educational agency to pay the Federal share of the costs of carrying out a Kindergarten Plus program.

(b) ELIGIBILITY.—A local educational agency shall be eligible to receive a grant under this section if the local educational agency operates a full-day kindergarten program that, at a minimum, is targeted to kindergarten-age children who are from families with incomes below 185 percent of the poverty line within the State.

(c) APPLICATION.—In order to receive a grant under subsection (a), a local educational agency shall submit to the Secretary an application that—

(1) contains the descriptions set forth in section 7; and

(2) includes an assurance that the Kindergarten Plus program funded under such grant will serve eligible students.

(d) APPLICABILITY.—Sections 8 and 9 shall apply to a local educational agency receiving a grant under this section in the same manner as the sections apply to a local educational agency receiving a subgrant under section 5(a).

SEC. 11. EVALUATION, COLLECTION, AND DISSEMINATION OF INFORMATION.

(a) IN GENERAL.—Each State educational agency that receives a grant under this Act, in cooperation with the local educational agencies in the State that receive a subgrant under this Act, shall create an evaluation mechanism to determine the effectiveness of the Kindergarten Plus programs in the State, taking into account—

(1) information from the local needs assessment, conducted in accordance with section 7(c)(6), including—

(A) the number of eligible students in the geographic area;

(B) the number of children served by Kindergarten Plus programs, disaggregated by family income, race, ethnicity, native language, and prior enrollment in an early childhood education program; and

(C) the number of children with disabilities served by Kindergarten Plus programs;

(2) the recruitment of teachers and staff for Kindergarten Plus programs, and the retention of such personnel in the programs for more than 1 year;

(3) the provision of services for children and families served by Kindergarten Plus programs, including parent education, home visits, and comprehensive services for families who need such services;

(4) the opportunities for professional development for teachers and staff; and

(5) the curricula used in Kindergarten Plus programs.

(b) COMPARISON.—The evaluation process may include comparison groups of similar children who do not participate in a Kindergarten Plus program.

(c) INFORMATION COLLECTION AND REPORTING.—The information necessary for the evaluation shall be collected yearly by the State and reported every 2 years by the State to the Secretary.

(d) ANALYSIS OF EFFECTIVENESS.—The Secretary shall conduct an analysis of the overall effectiveness of the programs assisted under this Act and make the analysis available to Congress, and the public, biannually.

SEC. 12. SUPPLEMENT NOT SUPPLANT.

Funds made available under this Act shall be used to supplement, not supplant, other Federal, State, or local funds available to carry out activities under this Act.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this Act, there are authorized to be appropriated $1,500,000,000 for fiscal year 2007 and such sums as may be necessary for each of the fiscal years 2008 through 2012.

By Mr. REID (for himself and Mrs. CLINTON):

S. 4034. A bill to amend title 18 of the United States Code to prohibit certain types of vote tampering; to the Committee on the Judiciary.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 4034

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 ''Voter Suppression, Ballot Hacking, and Election Fraud Prevention Act''.

SEC. 2. PROHIBITION ON VOTE TAMPERING.

(a) IN GENERAL.—Chapter 29 of title 18, United States Code, is amended by adding at the end the following:

''§ 612. Vote tampering

''(a) IN GENERAL.—Whoever knowingly and willfully interferes with, affects, attempts to interfere with, or attempts to affect an election of a candidate or a ballot initiative by tampering with a voting system, discarding ballots, or altering a vote shall be fined under this title or imprisoned for not more than 20 years, or both.

''(b) APPLICATION.—This section applies only to elections described in, and candidates described in, section 11(e)(2) of the Voting Rights Act of 1965 (42 U.S.C. 1973i(e)(2)).

''(c) CIVIL ACTION.—Any individual whose right to vote is interfered with by reason of a violation of this section may bring a civil action in Federal court against the violator and recover damages not to exceed $10,000.

''(d) DEFINITION.—In this section, the terms 'vote' and 'voting' have the meanings given the terms in section 14(c) of the Voting Rights Act of 1965 (42 U.S.C. 1973l(c)).''.

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 29 of title 18, United States Code, is amended by inserting after the item for section 612 the following:

''612. Vote tampering.''.

By Mr. SARBANES:

S. 4038. A bill to establish the bipartisan and independent Commission on Global Resources, Environment, and Security, and for other purposes; to the Committee on Environment and Public Works.

Mr. SARBANES. Mr. President, today I am introducing legislation to establish a Commission on Global Resources, Environment and Security. The goal of the Commission is to address one of the most serious, long-

term threats facing our Nation—the degradation of the earth's natural life support systems—and to make recommendations for a coordinated, comprehensive, long-range national policy and new strategies to promote global environmental security.

In March 2005, more than 1,300 scientists from 95 countries around the world completed the largest and most comprehensive study of the health of the earth's ecosystems ever undertaken. Known as the Millennium Ecosystem Assessment, the four-year study found that the natural systems that support life on earth—our waters, wildlife and fisheries, air and lands—have been degraded more rapidly and extensively over the past five decades than in any comparable period of time in history. The result has been a substantial loss of biodiversity, a significant increase in atmospheric concentration of carbon dioxide, depletion of world fisheries and water supplies, excessive nutrient pollution of rivers and coastal waters, and increased risk of emergence of new diseases. The report also found that, unless substantial actions are taken in policies, institutions and practices in the near future to reverse the degradation, the pressure on the planet's ecosystems will continue to increase. In the next 50 years, the world population is expected to grow from approximately 6 billion to more than 9 billion people. Global demand for food is projected to increase by 70–80 percent. Energy consumption is projected to double by 2035 at current growth rates. Globally, as much as 25 percent of freshwater use and 35 percent of irrigation withdrawal is supplied from unsustainable sources. An estimated 7 billion people could face water shortages.

Experts agree that these environmental threats also have profound implications for our national security. According to former Secretary of State Colin Powell . . . ''poverty, destruction of the environment and despair are destroyers of people, of societies, of nations, a cause of instability as an unholy trinity that can destabilize countries and destabilize entire regions.''

As the world's wealthiest nation, the U.S. has the responsibility and the unique capacity to lead the world toward a more sustainable future. The legislation which I am introducing today represents the important step in that direction. It provides for the establishment of an independent commission to examine the state of scientific understanding and current efforts to protect the global environment, to assess the impact of continued global environmental deterioration on U.S. interests, and to make recommendations to address these threats. The last time the Federal Government took a broad in-depth review of international environment and development issues was in the 1970s.

At the launch of Millenium Ecosystem Assessment, Secretary General of the United Nations, Kofi Annan, stated that, ''only by understanding the environment and how it works, can we make the necessary decisions to protect it.'' The concept of such a Commission is strongly supported by a broad range of leading scientific and foreign policy leaders who have signed the ''Earth Legacy Declaration.'' They assert that: ''We need a national discussion on the fundamental questions of what legacy we will leave our children and grandchildren, and what actions we must take as a nation to ensure that the world we hand down to them is as safe, healthy, and bountiful as the one we inherited.''

We need a new consensus and a foundation upon which to build a renewed U.S. commitment to protect the global environment. I hope my colleagues will join me in this measure to establish this Commission on Global Resources, Environment, and Security.

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

S. 4038

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 ''Global Resources, Environment, and Security Commission Act of 2006''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) humans are placing increasing and potentially unsustainable pressures on—

(A) the Earth;

(B) ecosystems; and

(C) natural resources;

(2) economic prosperity, human health, and peaceful international relations depend on the continued existence of—

(A) a clean environment; and

(B) the sustainability of natural resources and ecosystem services;

(3) increasing scarcities of natural resources and environmental degradation can cause economic losses and contribute to—

(A) disease;

(B) famine;

(C) increased vulnerability to natural disasters;

(D) mass migration;

(E) disruption of trade; and

(F) violent conflict;

(4) those potential disasters can—

(A) weaken all members of the international community; and

(B) create serious threats to the national security of the United States;

(5) many scientific studies reveal that the rapid increases in global population and the new global security problems have, and will likely continue to have, serious impacts on the United States, including—

(A) inadequate access to sources of healthy freshwater;

(B) loss of biodiversity;

(C) climate change;

(D) marine overfishing and pollution;

(E) transboundary air pollution;

(F) nuclear and chemical contamination;

(G) deforestation;

(H) invasive species migration; and

(I) soil degradation and desertification;

(6) the complex and interconnected nature of those problems requires new forms of cooperation between—

(A) the stakeholders of the United States; and

(B) the United States and other countries;

(7) according to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), it is the national policy of the United States—

(A) to recognize the worldwide and long-range character of environmental problems; and

(B) to lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of the world environment;

(8) the United States is in a unique position to be able to share scientific and technical expertise on the world stage in ways that—

(A) benefit all persons; and

(B) provide opportunities in the United States for—

(i) economic growth;

(ii) investment; and

(iii) innovation; and

(9) the leadership of the United States on the advancement of global environmental security serves the domestic interests of the United States while strengthening relationships between the United States and other countries.

(b) PURPOSE.—The purpose of this Act is to establish a bipartisan and independent commission to make recommendations for a coordinated, comprehensive, and long-range national policy for new and existing strategies initiated by the United States to promote global environmental security.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Commission on Global Resources, Environment, and Security'' (referred to in this Act as the ''Commission'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 18 members who are knowledgeable in matters relating to global environmental security and population (including individuals with experience from the Federal Government, State, and local governments, academic and technical institutions, and public interest organizations), of whom—

(A) 2 members shall be appointed by the President, of whom not more than 1 may be from the same political party as the President;

(B) 4 members shall be appointed by the majority leader of the Senate, in consultation with the Chairpersons of—

(i) the Committee on Environment and Public Works of the Senate;

(ii) the Committee on Foreign Relations of the Senate;

(iii) the Committee on Commerce, Science, and Transportation of the Senate; and

(iv) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) 4 members shall be appointed by the minority leader of the Senate, in consultation with the ranking members of—

(i) the Committee on Environment and Public Works of the Senate;

(ii) the Committee on Foreign Relations of the Senate;

(iii) the Committee on Commerce, Science, and Transportation of the Senate; and

(iv) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) 4 members shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairpersons of—

(i) the Committee on Energy and Commerce of the House of Representatives;

(ii) the Committee on International Relations of the House of Representatives;

(iii) the Committee on Resources of the House of Representatives;

(iv) the Committee on Science of the House of Representatives;

(v) the Committee on Homeland Security of the House of Representatives; and

(vi) the Committee on Government Reform of the House of Representatives; and

(E) 4 members shall be appointed by the minority leader of the House of Representatives, in consultation with the ranking members of—

(i) the Committee on Energy and Commerce of the House of Representatives;

(ii) the Committee on International Relations of the House of Representatives;

(iii) the Committee on Resources of the House of Representatives;

(iv) the Committee on Science of the House of Representatives;

(v) the Committee on Homeland Security of the House of Representatives; and

(vi) the Committee on Government Reform of the House of Representatives.

(2) REPRESENTATION OF COMMISSION.—To the extent consistent with paragraph (1), the membership of the Commission shall be balanced by area of expertise.

(3) PROHIBITION ON FEDERAL GOVERNMENT EMPLOYMENT.—A member of the Commission appointed under paragraph (1)(A) shall not be an employee or former employee of the Federal Government.

(4) CONSIDERATIONS FOR APPOINTMENT.—

(A) BACKGROUND OF MEMBERS.—

(i) IN GENERAL.—All members of the Commission shall have experience in—

(I) State and local governments;

(II) academic and technical institutions;

(III) businesses and industries relating to resource and economic development; or

(IV) public interest organizations.

(ii) PREFERENCE TO INDIVIDUALS WITH INTERDISCIPLINARY EXPERTISE.—In appointing members to the Commission, preference shall be given to individuals who have interdisciplinary experience.

(B) POLITICAL AFFILIATION OF MEMBERS.—Members of the Commission shall be appointed so that not more than 9 members of the Commission are members of any 1 political party.

(5) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than March 30, 2007.

(6) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—

(i) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(ii) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(7) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(8) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet—

(i) at least twice each year; or

(ii) at the call of the Chairperson or the majority of the members of the Commission.

(B) PUBLIC ACCESS TO MEETINGS.—

(i) IN GENERAL.—Except as provided in clause (ii), each meeting of the Commission shall be open to the general public.

(ii) EXCEPTION.—If a meeting of the Commission addresses a matter described in section 552b(c) of title 5, United States Code, the Commission may close the meeting, or a portion of the meeting, to the general public.

(9) QUORUM.—A majority of voting members shall constitute a quorum, but a lesser number may hold meetings.

(10) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) ELECTION.—The Commission shall elect the Chairperson and the Vice Chairperson of the Commission on an annual basis.

(B) ABSENCE OF THE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(11) VOTING.—The Commission shall act only on an affirmative vote of a majority of the voting members of the Commission.

SEC. 4. DUTIES.

(a) STUDY.—The Commission shall—

(1) review and affirm current scientific understanding on the health of the global environment and the long-term availability of natural resources through the use of independent, consensus-based assessments and peer reviewed studies undertaken by the United States, the United Nations, and any other international entity;

(2) study the impacts of—

(A) global and transnational environmental problems, natural resource scarcity, and global population pressure on the interests of the United States, including—

(i) national security;

(ii) public health;

(iii) industry and trade; and

(iv) international relations; and

(B) the actions of the United States on global environmental security;

(3) assess—

(A) the effectiveness of Federal and State efforts to enhance global environmental security, including—

(i) the integration of related activities;

(ii) the interagency coordination of related activities; and

(iii) the funding of related activities;

(B) the evolving roles of—

(i) government;

(ii) business; and

(iii) nongovernmental organizations; and

(C) the adequacy of efforts initiated by public and private partnerships that strive to meet the goals of—

(i) global environmental protection;

(ii) natural resource sustainability; and

(iii) economic prosperity; and

(4) determine the progress of the United States in—

(A) achieving relevant international goals and obligations; and

(B) meeting the challenges outlined by the scientific studies described under paragraph (1).

(b) RECOMMENDATIONS.—The Commission shall develop recommendations for creating a coordinated, comprehensive, and long-range national policy that promotes global environmental security.

(c) REPORT.—

(1) IN GENERAL.—By March 30, 2009, the Commission shall submit to the President and Congress a report that contains—

(A) a detailed statement of the findings and conclusions of the Commission;

(B) a summary of public comments; and

(C) the recommendations of the Commission for such legislation and administrative actions as the Commission considers appropriate.

(2) PUBLICATION OF REPORT.—Not later than 90 days before submitting the final report of the Commission to the President and Congress, the Commission shall publish a copy of the report in the Federal Register.

(3) PUBLIC COMMENT.—

(A) IN GENERAL.—Before submitting the report of the Commission to the President and Congress, the Commission shall—

(i) make a draft of the report available for public comment for a period of not less than 60 days; and

(ii) consider public comments relating to the draft of the report.

(B) AVAILABILITY OF REPORT.—A copy of the report of the Commission shall remain available for inspection—

(i) in the offices of the Commission; and

(ii) through electronically accessible formats and means, such as the World Wide Web.

(4) CONGRESSIONAL REVIEW.—

(A) IN GENERAL.—Not later than 90 days before submitting the final report of the Commission to the President and Congress, the Commission shall provide copies of the report to the Chairpersons and ranking members of—

(i) the Committee on Environment and Public Works of the Senate;

(ii) the Committee on Foreign Relations of the Senate;

(iii) the Committee on Commerce, Science, and Transportation of the Senate;

(iv) the Committee on Homeland Security and Governmental Affairs of the Senate;

(v) the Committee on Energy and Commerce of the House of Representatives;

(vi) the Committee on International Relations of the House of Representatives;

(vii) the Committee on Resources of the House of Representatives;

(viii) the Committee on Science of the House of Representatives;

(ix) the Committee on Homeland Security of the House of Representatives; and

(x) the Committee on Government Reform of the House of Representatives.

(B) OPPORTUNITY FOR COMMENT.—Before submitting the report to the President and Congress, the Commission shall provide each chairperson and ranking member of a committee described in subparagraph (A) with an opportunity to comment on the report.

SEC. 5. POWERS.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission or, at the direction of the Commission, any subcommittee or member of the Commission, may, for the purpose of carrying out this Act hold such hearings, meet and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such subcommittee or members considers advisable.

(2) NOTICE; MINUTES; PUBLIC AVAILABILITY OF DOCUMENTS.—

(A) NOTICE.—Each open meeting of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(B) MINUTES.—Minutes of each meeting shall—

(i) be kept by the Commission; and

(ii) contain—

(I) a record of the individuals present;

(II) a description of the discussion that occurred during the meeting; and

(III) copies of all statements filed during the meeting.

(iii) AVAILABILITY.—Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(c) ESTABLISHMENT OF SUBCOMMITTEES.—

(1) IN GENERAL.—The Commission may establish 1 or more subcommittees to provide staff support and otherwise assist in carrying out the responsibilities of the Commission.

(2) POLITICAL AFFILIATION OF SUBCOMMITTEE MEMBERS.—Members of a subcommittee shall

be appointed so that not more than ½ of the members of the subcommittee are members of any 1 political party.

(d) ESTABLISHMENT OF MULTIDISCIPLINARY SCIENCE, ECONOMIC, AND TECHNICAL ADVISORY PANEL.—

(1) IN GENERAL.—To assist the Commission in carrying out the duties of the Commission under this Act, the Commission may establish a multidisciplinary science, economic, and technical advisory panel (referred to in this Act as the ''Advisory Panel'').

(2) COMPOSITION OF ADVISORY PANEL.—The Advisory Panel shall be composed of individuals appointed by the Commission, each of whom shall have expertise in—

(A) biological science;

(B) marine science;

(C) atmospheric science;

(D) environmental toxicology;

(E) epidemiology;

(F) biogeochemistry;

(G) energy and water security;

(H) renewable energy;

(I) social science; or

(J) economics.

(3) APPOINTMENT.—The members of the Advisory Panel shall be appointed by a majority vote of all members of the Commission.

(4) USE OF BEST AVAILABLE DATA.—The Advisory Panel shall ensure that the scientific information considered by the Commission is based on the best available data.

(e) CONTRACTS.—The Commission may make or enter into contracts, leases, or other legal agreements to carry out this Act.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(g) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an Executive Director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an Executive Director shall be subject to confirmation by the Commission.

(d) EXPERTS AND CONSULTANTS.—

(1) IN GENERAL.—The Commission may obtain the services of experts and consultants in the private and nonprofit sectors in accordance with section 3109 of title 5, United States Code.

(2) COMPENSATION OF EXPERTS AND CONSULTANTS.—A consultant or expert described in paragraph (1) shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(e) DETAIL OF GOVERNMENT EMPLOYEES.—

(1) FEDERAL EMPLOYEES.—

(A) IN GENERAL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(B) CIVIL SERVICE STATUS.—The detail of an employee under subparagraph (A) shall be without interruption or loss of civil service status or privilege.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $8,500,000 for the period of fiscal years 2007 through 2010, to remain available until expended.

SEC. 8. TERMINATION OF COMMISSION.

(a) DATE OF TERMINATION.—The Commission shall terminate 30 days after the date on which the Commission submits the report of the Commission under section 4(c).

(b) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 30-day period referred to in subsection (a) to—

(1) conclude the activities of the Commission; and

(2) provide testimony before any committee of Congress concerning the report of the Commission.

(c) POST-COMMISSION ACTIVITIES.—The members and staff of the Commission, the Members of Congress, and employees of Federal agencies are encouraged to—

(1) continue the multi-stakeholder dialogue started by the Commission in new forums and capacities; and

(2) examine any institutional needs, including—

(A) the formation of a new office;

(B) improvements in organization;

(C) a network; or

(D) a caucus.

SEC. 9. RESPONSE OF THE PRESIDENT.

(a) IN GENERAL.—Not later than 90 days after the date of receipt of the report of the Commission under section 4(c), the President shall submit to Congress and appropriate Federal agencies a report containing a statement of proposals to carry out or respond to the recommendations of the Commission.

(b) AVAILABILITY OF REPORT.—The report described in subsection (a) shall be published or otherwise made available, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web.

By Mr. LEAHY:

S. 4040. A bill to ensure that innovations developed at federally-funded institutions are available in certain developing countries at the lowest possible cost; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am pleased to introduce the Public Research in the Public Interest Act of 2006. If enacted, this bill will save lives and improve the quality of health for millions of families living in impoverished nations. Recently, I have introduced and cosponsored six bills to address the increasingly important issues that relate to global health and the need for earlier access to generic medicines in the United States.

Each year, millions of people needlessly suffer from disease in impoverished countries worldwide because they lack access to lifesaving medicines. And each year, America's world-renowned research universities develop innovative treatments to combat these diseases. However, under our current system, these treatments do not get to the families in impoverished nations who so desperately need them.

Today, 15 percent of the world's people consume about 91 percent of the world's pharmaceuticals. The high price of lifesaving medicines—medicines we take for granted—puts them far beyond the reach of millions of the most vulnerable populations.

While the concept of my bill is simple, the implications are profound. If passed, my bill would greatly lessen the cost burden of generic drugs in the developing world. It would achieve this by requiring federally funded research institutions to permit their inventions, such as, drugs, vaccines, and innovative medical devices, to be provided inexpensively by generic companies distributing medical supplies to the developing world.

Federally funded labs and research institutions have a vital role to play in meeting this goal. For example, Yale University has an agreement with Doctors Without Borders to permit their generic version of its lifesaving AIDS drug to be used for a pilot treatment program in South Africa. To date, Yale's humanitarian endeavor, which in no way reduced their licensing revenues, continues to save thousands of lives.

It is time to ensure that public funds truly serve public purposes—in this instance, delivering essential health care needs at minimal costs to American taxpayers, universities, and pharmaceutical companies. Unfortunately, this Congress has been tied up in knots recently and has been unable to pass even critical appropriations bills. The measures before us are crucial. This comprehensive approach toward providing better global health aid and better access to generic drugs should become law, and I am committed to trying to make it so. I look forward to working with my colleagues on both sides of the aisle, in this Congress or the next, to enact this important legislation.

I have recently introduced or sponsored six bills to address the need for better access to low-cost generic medicines. Two of these bills relate to global health, and four of them address the need for earlier access to generic medicines in the United States.

Federally funded laboratories and other research institutions have a critical role to play in delivering affordable medicines to those sick and suffering worldwide. In 2000, a Senate Joint Economic Committee Report found that public research was instrumental in developing 15 of the 21 drugs considered by experts to have had the highest therapeutic impact on society.

Between 1970 and 2001, there was a ten-fold increase in the number of U.S. patents issued annually to U.S. academic institutions. American universities, hospitals, and other nonprofit research centers concluded that more than 4,500 license and option agreements were executed in 2003, more than double the license and option agreements executed in 1993. A major share of these patents is in the biomedical field.

The World Health Organization's 2006 Commission on Intellectual Property Rights, Innovation, and Public Health has also recently recognized the crucial role of universities. The WHO recommended that universities adopt licensing practices designed to increase access to medicines in developing countries.

The report also tells the story of one way in which the crucial role of university innovations and other publicly funded research in promoting global public health first came into the public eye. It is an interesting story.

In 2001, the international organization Médecins Sans Frontières, or MSF, requested Yale University's permission to use its generic life-saving AIDS drug, stavudine, for a pilot treatment project outside Cape Town.

This was at a time when HIV drugs were first being introduced in the developing world. The costs were prohibitive. Scientists at Yale University had discovered stavudine's value in the fight against AIDS, and Yale University was the key patent holder.

In response to MSF's request, Yale and Bristol-Myers Squibb jointly announced that they would permit the sale of generics in South Africa and that Bristol-Myers Squibb would lower the price of its brand-name stavudine by 96 percent throughout sub-Saharan Africa.

The Yale/Bristol-Myers Squibb announcement was highly significant in the campaign for access to affordable first-line AIDS treatments. Yale and Bristol-Myers Squibb's humanitarian action did not reduce licensing revenues with respect to Yale. Meanwhile, Yale's invention to this day continues to save thousands of lives. According to a recent report by the WHO's AIDS Medicines and Diagnostics Service, stavudine is one of the three first-line HIV medicines that together constituted almost 90 percent of total procurement in 2005.

Unfortunately, this has been an isolated success story rather than the road to greater access for the many important inventions that come out of publicly funded research institutions.

With respect to HIV/AIDS treatment alone, at least two major drugs based on university inventions have come to market since the 2001 stavudine announcement: emtricitabine, developed in large part at Emory University and sold by Gilead Sciences as Emtriva; and T–20 developed in large part at Duke University and marketed as Fuzeon by Hoffmann-La Roche and Trimeris. Just this summer, Yale University announced the license of a new candidate for an AIDS drug based on stavudine. Called ''4'-ethynyl-stavudine'', (or abbreviated more simply as Ed4T). Early testing suggests that it may be both more effective and less toxic than its famous predecessor.

But the question is: Will these life-saving drugs ultimately be available in places like sub-Saharan Africa, where HIV infection rates range as high as a third of the adult population?

This bill, the Public Research in the Public Interest Act of 2006, would focus on this problem. By allowing licensing by generic companies of inventions coming out of publicly funded research institutions—and other associated inventions required to produce marketable medicines—it would drive down the price of new, innovative drugs in areas where they would otherwise be effectively unavailable.

Because the licensing regime this bill proposes is self-enforcing, it minimizes both administrative overhead and eliminates the need for case-by-case decisions, while preserving important intellectual property protections. Because the Act allows the introduction of generic or reduced-price drugs only into markets too poor to otherwise afford them, its terms do not threaten corporate investments or profits in wealthy nations. All generic drugs manufactured under the bill must be clearly differentiated from the versions sold in developed nations, where the brand-name companies make their profits.

Moreover, publicly funded research institutions would receive royalties from the sale of inventions covered by this bill in developing markets. While the initial payment of the royalties will typically go to the research institution itself, the bill leaves complete freedom to these institutions and their licensee to decide how such royalties will ultimately be shared. This freedom is especially important because the inventions from universities and other research institutions often form only one part of the collection of intellectual property necessary to manufacture a finished, marketable drug. The appropriate division of the royalties paid by generics for this package of rights in the developing world will be different for different drugs and medical devices, depending on whether the university's contribution is more or less central to the finished product. This Act would allow all the various parties the flexibility to divide these royalties appropriately.

I should be clear, however, that the bill I introduce today is an initial proposal. I look forward to working with research universities in the United States on this important matter. I also intend to work with the companies involved in creating, licensing, and bringing to market the fruits of America's unparalleled research institutions as we continue to shape this solution.

Indeed, the best answer may not be legislative at all, if the groups involved can come together around a different approach. But however it is achieved, I believe that increasing the availability of the many medical inventions that come from publicly funded research centers is a good solution to pressing global health concerns.

Universities, in particular, are unique institutions with unique public commitments. They are, before anything else, institutions dedicated to the creation and dissemination of knowledge in the public interest. The Public Research in the Public Interest Act of 2006 is designed in the spirit of that commitment.

This bill completes a package of six bills that I have recently introduced to increase access to medicines in the United States and to address the global public health crisis. While it is the magnitude of this problem that demands that we, as a Nation, take action, it is the small things, the individual stories that often speak to us most clearly at a personal level.

In my office hangs a photograph I took of three young boys on the side of a mountain in Turkey. I found them flying a kite off the edge of a cliff that overlooks a vast slum. They had made the toy out of scraps of paper, patched together with tape and string, and were flying it on the currents rushing up the face of the rock.

I recalled fearing for their safety as they played so precariously close to the edge. But these children faced much greater risks. When my grandchildren get sick, we can always be sure they will get the medicines they need. For these boys, there is no such guarantee.

These boys, and the millions of children and others like them around the world are the reason behind each of the six bills I have introduced.

Earlier this summer, I introduced a bill which can be the catalyst for empowering U.S. generic companies to save the lives or improve the health of millions of families in impoverished nations. Under the ''Life-Saving Medicines Export Act,'' U.S. companies can make low-cost generic versions of any medicine for export to impoverished nations that face public health crises when those impoverished nations cannot produce those life-saving medicines for themselves.

This bill is based on World Trade Organization agreements permitting nations with pharmaceutical industries to help nations in need. The World Health Assembly and the World Health Organization have adopted resolutions urging all WTO member nations with a generic capability to adopt laws that

implement that agreement. On December 6, 2005, the Office of the U.S. Trade Representative announced that it ''welcomes'' efforts to ''allow countries to override patent rights when necessary to export lifesaving drugs to developing countries that face public health crises but cannot produce drugs for themselves.''

This bill addresses the urgent needs of millions of low-income families in impoverished nations while protecting the interests of the patent owners of these life-saving medicines. As in the Public Research in the Public Interest Act, introduced today, generic companies are only permitted to use the compulsory license in the bill in developing nations, where low-income families are simply too poor to purchase the ''brand-name'' versions, and the generic versions must be clearly marked as not for resale in developed nations. Thus, both bills pose the risk of minimal losses for patent holders while generating new revenue for the brand-name companies from the royalties on generic sales.

The four additional bills that complete this ''Access to Medicines'' package seek to preserve incentives for U.S. generic companies to enter and compete in the market. Increased competition leads to lower prices and saved lives.

First, in the wake of the Supreme Court refusal to hear the drug patent case called Federal Trade Commission (FTC) v. Schering-Plough, I joined fellow Judiciary Committee members—Senators KOHL, GRASSLEY and SCHUMER—in introducing legislation to explicitly prohibit brand-name drug manufacturers from using pay-off agreements to keep cheaper generic equivalents off the market. Such payments are a distortion in the market that harms patients. I was stunned that the U.S. Supreme Court refused to hear a case so important to our senior citizens. The Federal Trade Commission asked the Supreme Court to hear the arguments but the Court refused at the request of the Justice Department. It seems there may be no justice—until that bill is passed—for our seniors needing costly patented medicines but live where the brand-name company has paid generic companies not to compete.

Then, in July, I joined Senators ROCKEFELLER and SCHUMER in introducing legislation to ban ''authorized generics'' that can stifle true generic competition. I said at the time that ''the giant drug companies keep coming up with ways to avoid real competition and consumers need to be able to count on Congress to close each new anticompetitive loophole they come up with.'' If enacted, that bill will close this anti-competitive loophole in the Hatch-Waxman Act and will preserve the incentives Congress created for generic companies to enter the market to supply American citizens and seniors with lower-cost drugs.

The fifth bill introduced was with Senator KOHL. That bill is intended to stop frivolous Citizen Petitions designed to delay introduction of generic drugs into the market place. Recently, large pharmaceutical companies have exploited that petition process to keep their profits high. In addition, I joined with Senators SCHUMER, CLINTON and STABENOW on the Access to LifeSavings Medicine Act which related to developing a fast-track process for approving generic versions of biologic medicines.

I want to thank Stacy Kern-Scheerer with Senate Legislative Counsel who provided very helpful guidance under extreme pressure in drafting this short, but complex bill. She and Bill Baird, also with Senate Legislative Counsel, did a great job with a rapid turnaround.

I believe that these six bills, together, can save millions of lives. Recognizing the great need, there have been significant voluntary efforts made by brand-name pharmaceutical companies, foundations, and nonprofits who have already donated life-saving medicines, time, personnel and money to help in the fight against deadly diseases both in America and abroad. I commend and greatly appreciate those efforts. Nonetheless, much remains to be done. My bills will both add to and complement existing efforts, by making sure even cutting edge treatments are available in developing countries, and by ensuring that America's aid dollars and the contributions of private philanthropists are used as efficiently as they can possibly be used.

The President's Emergency Plan for AIDS Relief Report to Congress reported that ''[i]n every case generics prices present an opportunity for cost savings; in some cases, the branded price per pack of a drug is up to 11 times the cost of the approved generic version.''

The current global public health crisis is one of the great callings of our time. As a nation, we cannot afford to ignore this threat. Our own health and aspects of our national security depend on it.

We have become far more aware today of how much our own health depends on what takes place half a world away. Whether it is AIDS, SARS, West Nile Virus, the Avian Flu, or the encroaching menace of multi-drug resistant bacteria, we are all at risk. We are only an airplane flight away from wherever an outbreak may occur—a place where the medical innovations developed in this country to combat these devastating diseases may not be available to keep the outbreak under control.

In a post-9/11 world, our well-being is intimately connected with that of other nations. Health is an essential building block for a strong economy, and vital to maintain a thriving democracy. Through increasing access to essential medicines throughout the world, the United States can help to give developing nations a chance to flourish, while improving U.S. relations with large segments of the world's population.

President Franklin Roosevelt once said: ''The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough, for those who have little.''

We are fortunate, at some times and on some issues, to be able to do both. Now is one of those times, and this is one of those issues. I hope my colleagues will join me in supporting my efforts this year on the global public health crisis, including today's addition, the Public Research in the Public Interest Act of 2006.

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

S. 4040

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 ''Public Research in the Public Interest Act of 2006''.

SEC. 2. PURPOSE AND FINDINGS.

(a) PURPOSE.—The purpose of this Act is to promote global public health and America's national security by ensuring that innovations developed at federally-funded institutions are available in eligible developing countries at the lowest possible cost.

(b) FINDINGS.—Congress finds the following:

(1) It is in the national interest of the United States that people around the world live healthier lives, and that they perceive the United States in a more favorable light.

(2) The United States Government funds a major portion of all academic research.

(3) Congress funds universities and Federal research laboratories as institutions dedicated to the creation and dissemination of knowledge in the public interest.

(4) The Federal Government's investment in science and technology fuels a thriving pharmaceutical industry and rising longevity and quality of life in the United States. In 2000, a Senate Joint Economic Committee Report found that public research was instrumental in developing 15 of the 21 drugs considered by experts to have had the highest therapeutic impact on society.

(5) Millions of people with HIV/AIDS in developing countries need antiretroviral drugs. More than 40,000,000 people worldwide have HIV and 95 percent of them live in developing countries. Malaria, tuberculosis, and other infectious diseases kill millions of people a year in developing nations.

(6) The World Health Organization (''WHO'') has estimated that ⅓ of the world's population lacks regular access to essential medicines, including antiretroviral drugs. The WHO reported that just by improving access to existing medicines roughly 10,000,000 lives could be saved around the world every year.

(7) To help address the access to medicines crisis, the World Health Organization's 2006 Commission on Intellectual Property Rights, Innovation, and Public Health recommended that universities adopt licensing practices designed to increase access to medicines in developing countries.

(8) The Department of State has reported to Congress under the President's Emergency Plan for AIDS Relief that, ''[I]n every case generics prices present an opportunity for cost savings; in some cases, the branded price per pack of a drug is up to 11 times the cost of the approved generic version.''.

(9) Since sales of the patented, brand-name versions of such medicines are minimal or non-existent in many impoverished regions of the world, allowing generic versions of those medicines will have minimal impact on the sales of brand-name, patented versions in such regions, or the licensing revenues of publicly funded research institutions, while saving an untold number of lives.

SEC. 3. DEFINITIONS.

In this Act:

(1) ASSOCIATED MEDICAL PRODUCT.—The term ''associated medical product'', when used in relation to a subject invention, means any medical product of which the manufacture, use, sale, offering for sale, import, or export relies upon or is covered by the rights guaranteed by title in that invention.

(2) ASSOCIATED RIGHTS.—The term ''associated rights,'' when used in relation to a subject invention, means—

(A) all patent and marketing rights, possessed by a current or former holder of title in that invention, or licensee of rights guaranteed by such title, that are reasonably necessary to make, use, sell, offer to sell, import, export, or test any associated medical product ever made, used, sold, offered for sale, imported, or exported by that party; and

(B) the right to rely on biological, chemical, biochemical, toxicological, pharmacological, metabolic, formulation, clinical, analytical, stability, and other information and data for purposes of regulatory approval of any associated medical product.

(3) DRUG.—The term ''drug'' has the meaning given such term in section 201 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321).

(4) ELIGIBLE COUNTRY.—The term ''eligible country'' means any country of which the economy is classified by the World Bank as ''low-income'', or ''lower-middle-income''.

(5) FAIR ROYALTY.—The term ''fair royalty'', when used in relation to a subject invention, means—

(A) for a country classified by the World Bank as ''low-income'' at the time of the sales on which royalties are due, 2 percent of a licensee's net sales of associated medical products in such country; and

(B) for a country classified by the World Bank as ''lower-middle-income'' at the time of sales on which royalties are due, 5 percent of a licensee's net sales of associated medical products in such country.

(6) INVENTION.—The term ''invention'' means any invention or discovery which is or may be patentable or otherwise protectable under title 35, United States Code, or any novel variety of plant which is or may be protectable under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.).

(7) MEDICAL DEVICE.—The term ''medical device'' means a device, as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)), and includes any device component of any combination product, as that term is used in section 503(g) of such Act (21 U.S.C. 353(g)).

(8) MEDICAL PRODUCT.—The term ''medical product'' means any drug, treatment, prophylaxis, vaccine, or medical device.

(9) NEGLECTED RESEARCH.—The term ''neglected research'' means any use of a subjected invention or the associated rights in an effort to develop medical products for a rare disease or condition, as defined in section 526(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb(a)(2)).

(10) SUBJECT INSTITUTION.—The term ''subject institution'' means any institution of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) or research that receives federal financial assistance, including Federal laboratories as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)).

(11) SUBJECT INVENTION.—The term ''subject invention'' means any invention—

(A) conceived or first actually reduced to practice by a subject institution, or its employees in the course of their employment, on or after the effective date of this Act; or

(B) in which a subject institution holds title, provided the invention was first conceived or reduced to practice on or after the effective date of this Act.

SEC. 4. ACCESS TO LIFESAVING MEDICINES DEVELOPED AT GOVERNMENT FUNDED INSTITUTIONS.

(a) GRANT OF LICENSE.—

(1) IN GENERAL.—As a condition of receiving Federal assistance, any subject institution that conceives, reduced to practice, or holds title in a subject invention shall be required to grant irrevocable, perpetual, nonexclusive licenses to the invention and any associated rights the institution may own or ever acquire, to any party requesting such a license pursuant to subsection (g).

(2) PURPOSE OF LICENSE.—The licenses described under paragraph (1) shall be for the sole purpose of—

(A) supplying medical products in accordance with subsection (e); or

(B) conducting neglected research anywhere in the world, royalty-free.

(b) INCORPORATION INTO TITLE.—The open-licensing requirement created by subsection (a) and all licenses granted thereunder shall be part of the subject institution's title in a subject invention. No transfer or license may be interpreted in any manner inconsistent with making any grant under subsection (a) effective, or in any manner that prevents or frees the holder of title in the invention from granting licenses.

(c) SUBSEQUENT LICENSES.—

(1) IN GENERAL.—If a subject institution licenses or grants rights in a subject invention to any other party, as a condition of such grant the licensee or grantee, and any future sublicensees or subsequent grantees, ad infinitum, shall also be required in perpetuity, to grant irrevocable, perpetual, nonexclusive licenses on any associated rights which the licensee or grantee may own or later acquire, to any party requesting such a license pursuant to subsection (g).

(2) PURPOSE OF LICENSE.—The licenses shall be for the sole purposes described in subsection (a)(2).

(3) APPLICATION OF THIS SUBSECTION.—This subsection applies to licenses for a subject invention acquired under subsection (a).

(d) CONSTRUCTION.—No grant or licensee of any subject invention may be interpreted in any manner that prevents or frees the grantee or licensee from granting licenses for associated rights under subsection (c).

(e) LICENSE FOR SUPPLY OF MEDICAL PRODUCTS.—

(1) IN GENERAL.—A license under subsection (a)(2)(A) shall be a license for the sole purpose of permitting the making, using, selling, offering to sell, importing, exporting, and testing of medical products in eligible countries and the making and exporting of medical products worldwide for the sole purpose of supplying medical products to eligible countries.

(2) LABELING.—If the recipient of a license under subsection (a) exercises its right to make and export a medical product in any country other than an eligible country for the sole purpose of export to an eligible country, then the licensee shall use reasonable efforts to visibly distinguish the medical product it manufactures from any similar medical product sold by others in the country of manufacture, provided that such reasonable efforts do not require the licensee to expend significant expense.

(3) ROYALTIES.—

(A) LICENSE OF SUBJECT INVENTION.—A license of a subject invention under subsection (a)(2)(A) shall be irrevocable and perpetual so long as the licensee submits to the licensor payment of a fair royalty on sales of any associated medical product within 90 days of such sales. Failure or refusal of the licensor to accept the fair royalty shall not terminate or affect in any way the license.

(B) LICENSE OF ASSOCIATED RIGHTS.—A license of associated rights to a subject invention under subsection (a)(2)(A) shall be royalty free.

(f) TRANSFER.—In accordance with subsections (a) through (d), any license or other transfer of a subject invention by a subject institution or the licensee or grantee of such institution for a subject invention, shall be invalid unless—

(1) the license or grant includes a clause, ''This grant or license is subject to the provisions of the Public Research in the Public Interest Act of 2006.'';

(2) the licensor or grantor complies with the notification requirements of subsection (h); and

(3) the license or grant does not include any terms that contradict any requirement of this Act.

(g) PROCEDURES FOR ACQUISITION OF LICENSES.—

(1) IN GENERAL.—Any party, upon providing to the Food and Drug Administration—

(A) notification of its intent to supply medical products or conduct neglected research as provided in subsection (a);

(B) a specific list of the rights it wishes to license for those purposes; and

(C) the names of the party or parties it believes are obligated to grant such licenses under subsections (a) through (d),

shall automatically be deemed to receive the license so requested without the need for any further action on the part of the licensing party if the party or parties specified in the request do not object and notify the requesting party of such objection, within 30 days of the publication of such request by the Administration.

(2) ENFORCEMENT ACTION.—

(A) IN GENERAL.—If the party or parties specified under paragraph (1) object to the grant of a requested license, the requesting party may bring an action to enforce its right to a license of a subject invention or associated rights under subsections (a) through (d).

(B) PROCESS.—In any suit under this subsection, the requesting party shall be entitled to separate, expedited review of the legal issues required to adjudicate whether it is entitled to the requested license, without prejudice to any other issues in the lawsuit. If the party objecting to the license is found to have objected without reasonable cause or without a good faith belief that there was a justifiable controversy under the facts and the law, the party requesting the license shall be entitled to attorney's fees, other reasonably necessary costs of the lawsuit, and treble damages from the objecting party.

(3) PUBLICATION.—The Food and Drug Administration shall publish any request made under paragraph (1) within 15 days of receipt of such request. The Food and Drug Administration shall also make reasonable efforts to directly notify the parties named in any such request.

(h) NOTIFICATION OF TRANSFER OR LICENSE OF SUBJECT INVENTIONS.—The holder of title or any license in a subject invention shall notify the Food and Drug Administration of any grant or license of rights in that invention. The Food and Drug Administration

shall publish all such notifications within 15 days of receipt.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 4041. A bill to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes; read the first time.

Mr. INHOFE. President, I rise today, along with my colleague, TOM COBURN, to proudly introduce the Child Medication Safety Act, a bill to protect children and their parents from being coerced into administering a controlled substance or psychotropic drug in order to attend a school. The text of my bill exactly matches the text of H.R. 1790, which passed the House on November 16, 2006 by a vote of 407 to 12.

Parents today face many challenges when raising their children, one of which is ensuring that their children receive the best education possible. My views on education come from a somewhat unique perspective in that my wife, Kay, was a teacher at Edison High School in Tulsa for many years and now both of our daughters are teachers. I can assure you that I am one of the strongest supporters of quality education. However, it has come to my attention that schools have been acting as physicians or psychologists by strongly suggesting that children with behavioral problems be put immediately on some form of psychotropic drugs. Schools and teachers are not equipped to make this diagnosis and should not make it mandatory for the student to continue attending the school. This is clearly beyond their area of expertise. Therefore, I am introducing this legislation to ensure that parents are not required by school personnel to medicate their children.

The Child Medication Safety Act requires, as a condition of receiving funds from the Department of Education, that States develop and implement polices and procedures prohibiting school personnel from requiring a child to obtain a prescription as a condition of attending the school. It should be noted that this bill does not prevent teachers or other school personnel from sharing with parents or guardians classroom-based observations regarding a student's academic performance or regarding the need for evaluation for special education. Additionally, this bill calls for a study by the Comptroller General of the United States reviewing: No. 1, the variation among States in the definition of psychotropic medication as used in public education, No. 2, the prescription rates of medication used in public schools to treat children with attention deficit disorder and other such disorders, No. 3, which medications listed under the Controlled Substances Act are being prescribed to such children, and No. 4, which medications not listed under the Controlled Substances Act are being used to treat these children. This GAO report is due no later than 1 year after the enactment of this Act.

I believe this is an extremely important bill that protects the rights of our children against improper intrusion regarding health issues by those not qualified. If a parent or guardian believes their child is in need of medication, then they have the right to make that decision and consult with a licensed medical practitioner who is qualified to prescribe an appropriate drug. Please join us in support of this legislation that protects the freedoms of our children. We also ask that you work with us to secure passage of the Child Medication Safety Act before the end of the 109th Congress as it has already passed the House by a huge margin.

By Mr. DURBIN (for himself, Mr. CHAMBLISS, Mr. CONRAD, and Mr. BAYH):

S. 4042. A bill to amend title 18, United States Code, to prohibit disruptions of the funerals of members or former members of the Armed Forces; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise today to join with my colleagues Senators CHAMBLISS, CONRAD, and BAYH in introducing the Respect for the Funerals of Fallen Heroes Act.

Our bill would make it unlawful to intentionally disrupt the funeral of a U.S. military servicemember or veteran. Sadly, we have seen at least 129 such disruptions over the past 16 months by a group nominally calling itself a Christian church. These disruptions have taken place in almost every State in the country. In Illinois alone, there have been at least 16 disruptions of military funerals during that time—more than any other State.

Most of us know the heartbreak of laying a loved one to rest—a father, a mother, a husband or wife, a grandparent, a brother or sister, a child, a good friend. Funerals are a sad moment of parting, a last opportunity to say farewell.

A loved one is laid to rest only once. And the families and friends of the departed have a clear interest in conducting the funeral ceremony in peace, in tranquility, and in a way they feel best honors the life of the departed and comforts those who are left behind.

It can be devastating to have that funeral disrupted—to have the peace and good order of the ceremony intentionally disturbed by someone you don't even know—during the one chance the mourners have to lay their loved one to rest.

Intentional disruptions of funerals are particularly troubling because mourners at a funeral are a captive audience. They can't just leave. If someone tries to disturb a funeral ceremony by making loud noises or trying to divert the mourners' attention, the mourners can't just move somewhere else. A funeral ceremony is bound to the location of the body of the deceased.

While an intentional disruption of the peace and good order of a funeral ceremony would be inappropriate under any circumstances, it is particularly vile when the intentional disruption occurs during the funeral of a fallen member of the Armed Services.

The United States government owes an obligation to the men and women who have served their country in uniform. These men and women have risked their lives for their country. When they lose their lives, the government has a significant interest in allowing their families and friends to lay them to rest in peace.

In May, Congress enacted legislation called the Respect for America's Fallen Heroes Act, which would safeguard the funerals of U.S. veterans and servicemembers that take place at Federal cemeteries. This law prohibits demonstrations during the military funerals that are held at our 121 national cemeteries and Arlington National Cemetery. It provides protection for the funerals of approximately 90,000 veterans who are buried each year Federal cemeteries.

Our bill would expand the current law to cover the funerals of all servicemembers and veterans, whether they are buried in a national cemetery, in their own local cemetery, or somewhere else. It would provide protection for the funerals of all of the 650,000–700,000 servicemembers and veterans who die each year in the United States.

Admirably, my home State of Illinois and 25 other States have passed laws to try to protect military funerals with their borders. A wide range of State laws have been enacted, providing varying degrees of protection. But many of these laws were not narrowly tailored and are likely to be struck down as unconstitutional. Legal challenges are already underway in several States. What's needed now is a Federal solution.

Under our bill, it would be a criminal misdemeanor—punishable by a fine or up to one year in jail—for any person to 1. make any noise or diversion within the boundary of or within 150 feet of a military funeral location that intentionally disturbs the peace and good order of the funeral, or 2. intentionally impede access to or from the funeral within 300 feet of the funeral location. Such activities would be prohibited during the period from 60 minutes before until 60 minutes after a military funeral.

I understand the critical importance of the right to free speech. It is a foundational right under the U.S. Constitution. However, the Supreme Court has repeatedly found it is consistent with the First Amendment for the time, place, and manner of speech to be reasonably limited in a way that is content neutral and narrowly tailored to serve a significant government interest.

Our bill meets that test. The government has a significant interest in preserving the tranquility and privacy of the funerals of men and women who defend our country as members of the

Armed Forces. Congress has the constitutional power to raise and support armies, and we can and should support our troops by providing them with peaceful funerals.

Our bill creates a reasonable time, place, and manner restriction similar to restrictions that the Supreme Court has previously upheld. For example, in a case that took place in my home state of Illinois, Grayned v. City of Rockford, the Supreme Court upheld an ordinance that stated the following: ''(N)o person, while on public or private grounds adjacent to any building in which a school or any class thereof is in session, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace or good order of such school session or class thereof.''

Like the ordinance in Rockford, IL, my legislation is a reasonable restriction on disruptive activities within a limited geographic location for a limited period of time. Just as the local government has a significant interest in protecting the peace and good order of school sessions, the Federal Government has a significant interest in protecting the peace and good order of the funeral ceremonies of our military personnel.

The fact that funeral attendees are a captive audience also figures into the analysis. In many locations, the Supreme Court expects individuals simply to avoid speech they do not want to hear. But in the case Frisby v. Schultz, the Supreme Court upheld an ordinance that made it unlawful to picket outside an individual's residence, stating: ''That we are often 'captives' outside the sanctuary of the home and subject to objectionable speech. . . does not mean we must be captives everywhere.'' Like individuals in their homes and students in classrooms, mourners at funeral ceremonies are bound to one location and cannot avoid those who intend to cause disruptions. And they should not be forced to suffer those disruptions, especially during the one chance they have to lay a loved one rest.

The Respect for the Funerals of Fallen Heroes Act is content neutral. Its prohibitions apply to all offenders regardless of the nature of the message or the manner in which the message is conveyed. The legislation simply aims to allow funerals to be conducted in peace.

Our bill is also narrowly tailored. Not every form of speech or activity would be prohibited during the time period, only activities that are intended to and have the effect of disturbing the funeral ceremony. A person could carry on a conversation on a sidewalk nearby or hand out leaflets, but the peace and solemnity of the funeral must not be disturbed.

This bill has been carefully drafted to withstand constitutional scrutiny. We sought the advice of distinguished First Amendment scholar Geoffrey Stone at the University of Chicago law school, and he believes the bill is consistent with the First Amendment.

In addition, it is within the power of Congress to provide protection for the funerals of fallen servicemembers and veterans that are held at non-Federal cemeteries. The Congressional Research Service has researched this issue and concluded that a court would likely deem our legislation to be within Congress's lawmaking power, in light of Congress's constitutional authority to raise and support armies, and in light of cases in which the Supreme Court has upheld Congress's power to regulate private property for the benefit of the military.

Our legislation is supported by veterans groups in Illinois and across America. I received a letter from Retired U.S. Army Colonel Aaron J. Wolff, President of the Illinois Council of Chapters of the Military Officers Association of America, who said: ''The Respect for America's Fallen Heroes Act passed by Congress in May 2006, and signed into law, was an initial step in stopping demonstrations at funerals of our fallen heroes.... On behalf of all veterans and their families, I strongly support your bill to expand coverage of the demonstration ban to include all the funerals of our veterans, wherever they are held.''

Tanna K. Schmidli, chairman of the Board of Governors of the National Military Family Association, wrote to me and said: ''The National Military Family Association supports this legislation to ban demonstrations at all military funerals. Grieving military families, who had made the ultimate sacrifice, should not be subjected to these intrusions. This should be a time for military families to reflect and say goodbye to their loved one and a time for the nation to honor its heroes.''

The men and women who served our country in uniform, and their families and friends, are entitled to funeral ceremonies that can be conducted in peace and without disruption. It's time to protect the funerals of all our fallen heroes. I hope that my colleagues from both parties will cosponsor this bill and join me in seeking to provide the protection they deserve.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 4042

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

SECTION 1. RESPECT FOR THE FUNERALS OF FALLEN HEROES.

(a) IN GENERAL.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 1388. Prohibition on disruptions of funerals of members or former members of the Armed Forces

''(a) PROHIBITION.—For any funeral of a member or former member of the Armed Forces that is not located at a cemetery under the control of the National Cemetery Administration or part of Arlington National Cemetery, it shall be unlawful for any person to engage in an activity during the period beginning 60 minutes before and ending 60 minutes after such funeral, any part of which activity—

''(1)(A) takes place within the boundaries of the location of such funeral or takes place within 150 feet of the point of the intersection between—

''(i) the boundary of the location of such funeral; and

''(ii) a road, pathway, or other route of ingress to or egress from the location of such funeral; and

''(B) includes any individual willfully making or assisting in the making of any noise or diversion that is not part of such funeral and that disturbs or tends to disturb the peace or good order of such funeral with the intent of disturbing the peace or good order of that funeral; or

''(2)(A) is within 300 feet of the boundary of the location of such funeral; and

''(B) includes any individual willfully and without proper authorization impeding the access to or egress from such location with the intent to impede the access to or egress from such location.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

''(c) DEFINITIONS.—In this section:

''(1) The term 'Armed Forces' has the meaning given the term in section 101 of title 10.

''(2) The term 'funeral of a member or former member of the Armed Forces' means any ceremony or memorial service held in connection with the burial or cremation of a member or former member of the Armed Forces.

''(3) The term 'boundary of the location', with respect to a funeral of a member or former member of the Armed Forces, means—

''(A) in the case of a funeral of a member or former member of the Armed Forces that is held at a cemetery, the property line of the cemetery;

''(B) in the case of a funeral of a member or former member of the Armed Forces that is held at a mortuary, the property line of the mortuary;

''(C) in the case of a funeral of a member or former member of the Armed Forces that is held at a house of worship, the property line of the house of worship; and

''(D) in the case of a funeral of a member or former member of the Armed Forces that is held at any other kind of location, the reasonable property line of that location.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 67 of such title is amended by inserting after the item related to section 1387 the following new item:

''1388. Prohibition on disruptions of funerals of members or former members of the Armed Forces.''.

By Mr. ALLEN (for himself and Mr. WARNER):

S. 4045. A bill to designate the United States courthouse located at the intersections of Broad Street, Seventh Street, Grace Street, and Eighth Street in Richmond, Virginia, as the ''Spottswood W. Robinson III and Robert Merhige Jr. Courthouse''; to the Committee on Environment and Public Works.

Mr. WARNER. I rise today to join my colleague from Virginia, Senator ALLEN, in offering a bill to name the new Richmond Courthouse for two distinguished jurists and sons of Virginia.

We are privileged in the Commonwealth to have a long history, beginning with Jamestown as the first permanent English settlement on the American Continent. As a young republic, the College of William and Mary was selected as a site for the Nation's first law school.

The two men to be honored in the naming of the new U.S. Courthouse in Richmond were lawyers who throughout their careers adhered to the principle of ''equal justice under law.''

Spottswood William Robinson, III was born in Richmond, VA on July 26, 1916. He attended Virginia Union University and then attended Howard University School of Law, graduating first in his class in 1939 and serving as a member of the faculty until 1947.

Judge Robinson was one of the core attorneys of the NAACP Legal Defense and Educational Fund from 1948 to 1960, achieving national prominence in the legal community with his representation of the Virginia plaintiffs in the 1954 U.S. Supreme Court case Brown v. Board of Education. Brown outlawed public school segregation declaring ''separate but equal'' schools unconstitutional.

In 1964, Judge Robinson became the first African-American to be appointed to the United States District Court for the District of Columbia. In 1966, President Johnson appointed Judge Robinson the first African-American to the United States Court of Appeals for the District of Columbia Circuit. On May 7, 1981, Judge Robinson became the first African American to serve as Chief Judge of the District of Columbia Circuit.

Judge Merhige was born in New York in 1919 and he attended college at High Point College in North Carolina. He earned his law degree from the T.C. Williams School of Law at the University of Richmond, from which he graduated at the top of his class in 1942.

From 1942 to 1945, Judge Merhige served in the United States Air Force and practiced law in Richmond from 1945 to 1967, establishing himself as a formidable trial lawyer representing criminal defendants as well as dozens of insurance companies.

On August 30, 1967, Judge Merhige was appointed U.S. District Court Judge for the Eastern District of Virginia, Richmond Division by President Lyndon B. Johnson serving as a Federal judge until 1998. In 1972, Judge Merhige ordered the desegregation of dozens of Virginia school districts. He considered himself to be a ''strict constructionist'' who went by the law as spelled out in precedents by the higher courts. In 1970, he ordered the University of Virginia to admit women. As evidence of Judge Merhige's ground breaking decisions, he was given 24-hour protection by Federal marshals due to repeated threats of violence against him and his family. His courage in the face of significant opposition of the times is a testimony to his dedication to the rule of law.

Senator ALLEN and I carefully took this responsibility in naming the U.S. Federal. Courthouse in Richmond. We worked on it for several years and consulted the Virginia Bar Association and sought the views of the bench and bar. The Virginia Congressional delegation, the Virginia Bar Association, the Mayor of Richmond, and many others decided that the best way to honor both men was to have them equally share the honor of having the courthouse so named. I attach a letter from the former Virginia Governor, the current Mayor of Richmond, L. Douglas Wilder. I value greatly the views of a friend and fellow public servant and one who has joined me on many issues to benefit the people of Virginia.

I thank the Senate for the consideration of this bill and look forward to working with my colleagues seeking its passage.

CITY OF RICHMOND,
Richmond, VA, September 29, 2006.

Senator JOHN WARNER
225 Russell Senate Office Building, Washington, DC.

Senator GEORGE ALLEN,
204 Russell Senate Office Building, Washington, DC.

DEAR SENATORS WARNER AND ALLEN: On behalf of the City of Richmond, please accept this brief note in support of your collective decision to name the new U.S. District Court in Richmond for ''Spotswood W. Robinson III and Robert Merhige, Jr.'' Both men played a significant role in Virginia's history and are remembered as ''giants'' within Richmond's legal community.

Sincerely,

L. DOUGLAS WILDER,
Mayor.

Mr. ALLEN. Mr. President, I am pleased to join with my colleague the Senior Senator from Virginia JOHN WARNER in introducing legislation to name the new Federal courthouse in Richmond, VA for two great men and leaders of the civil rights movement, Spottswood W. Robinson III and Robert Merhige, Jr.

Judge Spottswood Robinson was a brilliant champion of civil rights for all Americans. As a student at Howard Law School, Judge Spottswood W. Robinson III earned the highest GPA ever achieved at the law school. Following law school, he returned to Richmond, VA to establish a law firm with another pioneer of civil rights, Oliver W. Hill. Through the years he was involved in many important civil rights cases in State and Federal courts, but it was his vital role in the seminal case of Brown v. Board of Education that placed Judge Robinson into legal history. Judge Robinson is widely recognized as the architect of the legal strategies that led to success in intergrading the nations public schools.

Judge Robinson left the private practice of law in 1960 to become Dean of the Howard Law School. In October 1963, President Kennedy nominated him to become a District Court Judge for the District of Columbia. Subsequently, Judge Robinson became the first African-American to serve as a Judge on the Court of Appeals for the District of Columbia and in 1981 became the Chief Judge for the Court. Upon retiring from the Court in 1992, Judge Robinson returned to his home in Richmond and continued to be an active member of the community until his passing in 1998.

The other fine jurist who the new courthouse in Richmond will be named is another hero of the civil rights movement, Judge Robert R. Merhige, Jr. Judge Merhige served this country for 31 years on the bench and as a member of the United States Army Air Force as a B–17 bombardier. Born in 1919, Judge Merhige attended the T.C. Williams School of Law at the University of Richmond, from which he graduated at the top of his class in 1942. Over the next 21 years, Judge Merhige tried hundreds of both criminal and civil cases in both State and Federal court. He served as President of the Richmond Bar Association from 1963 to 1964.

In 1967, President Lyndon Johnson appointed Judge Merhige to be a United States District Judge. Respected and admired by lawyers from coast to coast, Judge Merhige became known for his integrity and intellect. Despite the personal hardship placed on both himself and his family from those who disagreed with his rulings to enforce civil rights law, Judge Merhige continued to uphold the law and follow the constitution in the face of grave threats.

In deciding whom to name this courthouse after, I have taken great care to listen to all Virginians after securing funds for this impressive courthouse for downtown Richmond and its revitalization. I have worked with the Virginia Congressional delegation, the distinguished Mayor of Richmond, L. Douglas Wilder, State Senator Benjamin Lambert, the Virginia Bar Association, the Richmond Bar Association, and many others.

I am honored to join with my colleague Senator WARNER in ensuring that when people walk by the new Federal courthouse, they are reminded of these two distinguished jurists who helped change the face of society for the better with equal justice for all.

By Mrs. DOLE:

S.J. Res. 41. A joint resolution recognizing the contributions of the Christmas tree industry to the United States economy and urging the Secretary of Agriculture to establish programs to raise awareness of the importance of the Christmas tree industry; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. DOLE. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 41

Whereas Christmas trees have been sold commercially in the United States since the 1850s;

Whereas, by 1900, one in five American families decorated a tree during the Christmas season, while, by 1930, a decorated Christmas tree had become a nearly universal part of the American Christmas celebration;

Whereas 32.8 million households in the United States purchased a live-cut Christmas tree in 2005;

Whereas the placement and decoration of live-cut Christmas trees in town squares across the country have become an American tradition;

Whereas, for generations, American families have traveled hundreds and even thousands of miles to celebrate the Christmas season together around a live-cut Christmas tree;

Whereas 36 million live-cut Christmas trees are produced each year, and 98 percent of these trees are shipped or sold directly from Christmas tree farms;

Whereas North Carolina, Oregon, Michigan, Washington, Wisconsin, Pennsylvania, New York, Minnesota, Virginia, California, and Ohio are the top producers of live-cut Christmas tree, but Christmas trees are grown in all 50 States;

Whereas there are more than 21,000 growers of Christmas trees in the United States, and approximately 100,000 people are employed in the live-cut Christmas tree industry;

Whereas many Christmas tree growers grow trees on a part-time basis to supplement their other farm and non-farm income;

Whereas growing Christmas trees provides wildlife habitat;

Whereas more than a half million acres of land were planted in Christmas trees in 2005;

Whereas 73 million new Christmas trees will be planted in 2006, and, on average, over 1,500 Christmas trees can be planted per acre; and

Whereas the retail value of all Christmas trees harvested in 2005 was $1.4 billion: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) recognizes the important contributions of the live-cut Christmas tree industry, Christmas tree growers, and persons employed in the live-cut Christmas tree industry to the United States economy; and

(2) urges the Secretary of Agriculture to establish programs to raise awareness of the importance of the live-cut Christmas tree industry.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 591—CALLING FOR THE STRENGTHENING OF THE EFFORTS OF THE UNITED STATES TO DEFEAT THE TALIBAN AND TERRORIST NETWORKS IN AFGHANISTAN AND TO HELP AFGHANISTAN DEVELOP LONG-TERM POLITICAL STABILITY AND ECONOMIC PROSPERITY

Mr. FEINGOLD (for himself and Mr. KERRY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 591

Whereas global terrorist networks, including those that attacked the United States on September 11, 2001, continue to threaten the security of the United States and are recruiting new members and developing the capability and plans to attack the United States and its allies throughout the world;

Whereas winning the fight against terrorist networks requires a comprehensive and global effort;

Whereas, according to the Final Report of the National Commission on the Terrorist Attacks Upon the United States, ''The 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 a democratic, stable, and prosperous Afghanistan is a vital security interest of the United States;

Whereas a strong and enduring strategic partnership between the United States and Afghanistan must continue to be a primary objective of both countries to advance a shared vision of peace, freedom, security, and broad-based economic development in Afghanistan and throughout the world;

Whereas the long-term political stability of Afghanistan requires sustained economic development, and the United States has an interest in helping Afghanistan achieve this goal;

Whereas section 101(1) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7511(1)) declares, ''The United States and the international community should support efforts that advance the development of democratic civil authorities and institutions in Afghanistan and the establishment of a new broad-based, multi-ethnic, gender-sensitive, and fully representative government in Afghanistan.'';

Whereas the Government of Afghanistan continues to make progress in developing the capacity to deliver services to the people of Afghanistan, yet 40 percent of the population is unemployed and 90 percent of the population lacks regular electricity;

Whereas stability in Afghanistan is being threatened by antigovernment and Taliban forces that seek to disrupt political and economic developments throughout the country;

Whereas the Afghan National Army and the Afghan National Police have made some progress but still lack the ability to establish security throughout Afghanistan;

Whereas, despite the efforts of the international community, the United Nations, and the Government of Afghanistan, on September 2, 2006, the United Nations Office on Drugs and Crime reported that in 2006 opium poppy cultivation in Afghanistan increased 59 percent over 2005 levels and reached a record high;

Whereas the number of attacks waged by the Taliban on central, provincial, and local-level government officials and establishments, the Afghan National Army, the Afghan National Police, and North Atlantic Treaty Organisation (NATO) and United States military personnel increased significantly during 2006 over the number of such attacks that occurred during 2005;

Whereas the number of suicide bombings in Afghanistan doubled and the number of suicide attacks more than tripled from 2005 to 2006;

Whereas the number of United States troops in Afghanistan is approximately 23,000, approximately 1/7 of the number of troops currently in Iraq;

Whereas Osama bin Laden and Ayman al-Zawahiri are still at large and have been reported to be somewhere in the Afghanistan-Pakistan border region;

Whereas Afghan President Hamid Karzai said, ''The same enemies that blew up themselves in . . . the twin towers in America are still around.'';

Whereas, on September 12, 2006, the United States Secretary of State said, ''[A]n Afghanistan that does not complete its democratic evolution and become a stable terrorist-fighting state is going to come back to haunt us. . . . [I]t will come back to haunt our successors and their successors.'', and ''If we should have learned anything, it is that if you allow that kind of vacuum, if you allow a failed state in that strategic a location, you're going to pay for it.'';

Whereas, on September 21, 2006, the Secretary General of NATO called for additional troops for Afghanistan, saying, ''more can be done and should be done,'' and on September 18, 2006, the top United Nations official in Afghanistan said that more troops and economic aid are still needed, saying, ''These are difficult times for Afghanistan. . . . If we want to succeed in Afghanistan, the answer is clear: Afghanistan needs more sustained support from the international community.'';

Whereas United States assistance to Afghanistan was cut by approximately 30 percent in fiscal year 2006 and the President's request for fiscal year 2007 cut that amount by an additional 67 percent;

Whereas only 50 percent of the money pledged by the international community for Afghanistan between 2002 and 2005 has actually been delivered;

Whereas, on September 20, 2006, NATO's Supreme Allied Commander for Europe said, ''Narcotics [are] at the core of everything that can go wrong in Afghanistan if it's not properly tackled.'' and ''We're not making progress—we're losing ground.'';

Whereas, if the United States does not strengthen efforts to defeat the Taliban and to create long-term stability in Afghanistan and the region, Afghanistan will become what it was before the September 11, 2001, terrorist attacks, a haven for those who seek to harm the United States, and a source of instability that threatens the security of the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States must strengthen its commitment to establishing long-term stability and peace in Afghanistan;

(2) the United States, in partnership with the International Security Assistance Force (ISAF) and the Government of Afghanistan, must immediately increase its efforts to eradicate the Taliban, terrorist organizations, and criminal networks currently operating in Afghanistan, including by increasing United States military and other personnel and equipment in Afghanistan as necessary;

(3) the United States, in consultation with ISAF and the Government of Afghanistan, should consider all options necessary to implement a comprehensive new program to eliminate opium production in Afghanistan, including sending additional resources to Afghanistan and an increased role for the United States military and North Atlantic Treaty Organisation (NATO) forces in counternarcotics efforts;

(4) the United States should work aggressively to hold members of the international community accountable for delivering on the financial pledges they have made to support development and reconstruction efforts in Afghanistan;

(5) the United States and the international community, in concert with the Government of Afghanistan, should increase efforts to strengthen the legitimacy of the Government of Afghanistan and its ability to provide services to the people of Afghanistan;

(6) the United States, in support of the Government of Afghanistan, should significantly increase the amount of economic assistance available for reconstruction, social and economic development, counternarcotics efforts, and democracy promotion activities in Afghanistan;

(7) the President, through the Secretary of State, should develop a comprehensive interagency stabilization and reconstruction strategy in coordination with the international community and the Government of Afghanistan that—

(A) aligns humanitarian, development, economic, political, counterterrorism, and regional strategies to achieve the objectives of the United States and Afghanistan in Afghanistan; and

(B) orients current and future programs to meet the objectives set forth in this strategy;

(8) the President, through the Secretary of Defense, should evaluate the impact that United States military operations in Iraq are having on the capability of the United States Government to effectively carry out its mission to support reconstruction efforts and to conduct an effective counterterrorism and counterinsurgency campaign in Afghanistan; and

(9) the President, not later than 6 months after the date this resolution is agreed to, should present to Congress a status report on the items referred to in paragraphs (2) through (8), including a projection of future challenges and the resource requirements necessary to continue to support counterterrorism and counternarcotic efforts and Afghanistan's transition to a peaceful, democratic country.

SENATE RESOLUTION 592—DESIGNATING THE WEEK OF NOVEMBER 5 THROUGH 11, 2006, AS ''LONG-TERM CARE AWARENESS WEEK''

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

S. RES. 592

Whereas individuals in need of long-term care should have the opportunity to age with respect and dignity, selecting and receiving services of their choice;

Whereas the United States should seek to ensure that the people of the United States who will require long-term care are able to preserve their independence and receive high-quality care, preventing considerable burdens from being placed on families, communities, businesses, or government programs.

Whereas long-term care spending from all public and private sources was about $180,000,000,000 for persons of all ages in 2002 and those costs are expected to double by 2025;

Whereas nearly 1 out of every 4 households in the United States provides long-term care assistance to someone 50 years of age or older;

Whereas a significant number of people in the United States are already involved in providing long-term care services for elderly people as well as educating and offering financial planning options, and this number will increase as the average age of the population of the United States increases; and

Whereas the majority of the people of the United States are not planning for or prepared to meet their long-term care needs: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 5 through 11, 2006, as ''Long-Term Care Awareness Week''; and

(2) urges the people of the United States to use this week as an opportunity to learn more about the potential risks and costs associated with long-term care and the options available to help meet their long-term care needs.

SENATE RESOLUTION 593—SUPPORTING THE GOALS AND IDEALS OF NATIONAL CHILDREN AND FAMILIES DAY TO ENCOURAGE THE ADULTS OF THE UNITED STATES TO SUPPORT AND LISTEN TO CHILDREN AND TO HELP CHILDREN THROUGHOUT THE UNITED STATES ACHIEVE THEIR HOPES AND DREAMS

Mr. ALLEN (for himself and Mr. WARNER) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 593

Whereas the citizens of the United States celebrate National Children and Families Day on the fourth Saturday of June;

Whereas research has shown that spending time together as a family is critical to raising strong and resilient children;

Whereas strong and healthy families assist in the development of children;

Whereas strong and healthy families improve the quality of life of children;

Whereas it is essential for the adults of the United States to celebrate and reflect upon—

(1) the important role that all families play in the lives of children; and

(2) the positive effect that strong and healthy children will have on the future of the United States; and

Whereas the greatest natural resource of the United States is the children of the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Children and Families Day; and

(2) encourages the adults of the United States—

(A) to support, listen to, and encourage children throughout the United States;

(B) to reflect upon the important role that all families play in the lives of children; and

(C) to recognize that strong and healthy families—

(i) assist in the development of children; and

(ii) improve the quality of life of children.

SENATE RESOULTUION 594—EXPRESSING THE SENSE OF THE SENATE THAT SENATOR PAUL WELLSTONE SHOULD BE REMEMBERED FOR HIS COMPASSION AND LEADERSHIP ON SOCIAL ISSUES AND THAT CONGRESS SHOULD ACT TO END DISCRIMINATION AGAINST CITIZENS OF THE UNITED STATES WHO LIVE WITH A MENTAL ILLNESS BY MAKING LEGISLATION RELATING TO MENTAL HEALTH PARITY A PRIORITY FOR THE 110TH CONGRESS

Mr. DURBIN (for himself, Mr. COLEMAN, Mr. KENNEDY, Mr. HARKIN, Mr. DAYTON, Mr. FEINGOLD, Mr. REED, Mr. DODD, Mrs. MURRAY, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 594

Whereas Paul Wellstone served with distinction as a Senator from the State of Minnesota;

Whereas, for more than 20 years, Paul Wellstone inspired the students of Carleton College in Northfield, Minnesota;

Whereas Paul Wellstone was a loving father and husband, a loyal citizen of the United States, and a compassionate person;

Whereas Paul Wellstone dedicated his life to bringing equal access to education, economic opportunity, and comprehensive healthcare to all citizens of the United States;

Whereas Paul Wellstone worked tirelessly to advance mental health parity for all citizens of the United States;

Whereas more than 44,000,000 citizens of the United States suffer from some form of a mental health-related condition;

Whereas only ⅓ of those citizens seek or receive treatment for their mental health-related condition;

Whereas 34 States have enacted laws that require some form of access to mental health treatments that is similar to physical health coverage; and

Whereas the tragic and premature death of Paul Wellstone on October 25, 2002, silenced 1 of the leading voices of the Senate who spoke on behalf of the citizens of the United States who live with a mental illness: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) on the fourth anniversary of his passing, Senator Paul Wellstone should be remembered for his compassion and leadership on social issues throughout his career;

(2) Congress should act to help citizens of the United States who live with a mental illness by enacting legislation to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limits are imposed on medical and surgical benefits; and

(3) mental health parity legislation should be a priority for consideration in the 110th Congress.

SENATE RESOLUTION 595—RECOGNIZING THE LAWRENCE BERKELEY NATIONAL LABORATORY AS 1 OF THE PREMIER SCIENCE AND RESEARCH INSTITUTIONS OF THE WORLD

Mr. DOMENICI (for himself, Mr. BINGAMAN, Mrs. BOXER, and Mrs. FEINSTEIN) submitted the following resolution; which was:

S. RES. 595

Whereas the Lawrence Berkeley National Laboratory was founded on August 26, 1931, by Ernest Orlando Lawrence, winner of the 1939 Nobel Prize in physics for his invention of the cyclotron, a circular particle accelerator that opened the door to modern high-energy physics;

Whereas the belief of Mr. Lawrence that scientific research is best done through teams of individuals with different fields of expertise left a legacy that has yielded rich dividends for the United States in basic knowledge and applied technology;

Whereas that distinguished legacy of accomplishment includes 10 Nobel Laureates associated with the Lawrence Berkeley National Laboratory, and a dozen scientists of the Lawrence Berkeley National Laboratory who have won the National Medal of Science;

Whereas, in 2006, the Lawrence Berkeley National Laboratory continues to be used to conduct research across a wide range of scientific disciplines with key efforts in fundamental studies of the universe, quantitative biology, nanoscience, new energy systems, environmental solutions, and the use of integrated computing as a tool for discovery;

Whereas scientists at the Lawrence Berkeley National Laboratory discovered the revolutionary new truth of the accelerating expansion of the universe, are pioneering the promising new scientific field of synthetic biology, and are harnessing the secrets of the genome to help solve the grand challenges of the world;

Whereas, through those accomplishments and others, including finding the antiproton, advancing energy efficiency and conservation technologies, deciphering the photosynthetic process, pioneering the field of nuclear medicine, and spearheading the development of alternative energy sources, scientists of the Lawrence Berkeley National Laboratory have played a critical role in advancing the world leadership of the United States in fundamental and applied sciences;

Whereas the national scientific user facilities of the Lawrence Berkeley National Laboratory provide the highest level of scientific, engineering, and technical support to thousands of scientists each year whose published works continue to consistently enrich their respective research fields;

Whereas the newest user facility of the Lawrence Berkeley National Laboratory, the Molecular Foundry, opened its doors on March 24, 2006, to enable the design, synthesis, and characterization of nanoscale materials, thereby opening the door to unimagined scientific and technological advancements;

Whereas the Advanced Light Source of the Lawrence Berkeley National Laboratory is a national user facility that generates intense light for scientific and technological research that, among other accomplishments, has helped reveal how bacteria resist antibiotics, how inexpensive and efficient solar cells can be fabricated, and how unique substances like quasicrystals possess properties never before seen by humans;

Whereas the National Center for Electron Microscopy of the Lawrence Berkeley National Laboratory houses several of the most advanced microscopes and tools for microcharacterization in the world, including the One-Angstrom Microscope and the Spin Polarized Low-Energy Electron Microscope, that allow scientists to gain a basic scientific understanding of new energy-efficient materials, as well as to analyze the behavior of materials such as magnets, superconductors, ceramics, and high-temperature alloys; and

Whereas the National Energy Research Scientific Computing Center of the Lawrence Berkeley National Laboratory is the flagship scientific computing facility for the Office of Science of the Department of Energy, and is 1 of the largest facilities in the world that is devoted to providing computational resources and expertise for basic scientific research: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the outstanding and unique role that the Lawrence Berkeley National Laboratory has played over the past 75 years in the scientific and technological advancement of the United States and the international community; and

(2) congratulates the dedicated past and present scientists and researchers who have worked at the Lawrence Berkeley National Laboratory to make the institution 1 of the greatest research resources in the world.

SENATE RESOLUTION 596—DESIGNATING TUESDAY, OCTOBER 10, 2006, AS ''NATIONAL FIREFIGHTER APPRECIATION DAY'' TO HONOR AND CELEBRATE THE FIREFIGHTERS OF THE UNITED STATES

Mr. INHOFE (for himself, Ms. SNOWE, Mr. PRYOR, Mr. SANTORUM, Mr. KERRY, and Mr. MENENDEZ) submitted the following resolution; which was:

S. RES 596

Whereas there are more than 1,100,000 firefighters in the United States;

Whereas approximately 75 percent of all firefighters in the United States are volunteers who receive little or no compensation for their heroic work;

Whereas there are more than 30,000 fire departments in the United States;

Whereas thousands of firefighters have died in the line of duty since the date that Benjamin Franklin founded the first volunteer fire department in 1735;

Whereas 346 firefighters and emergency personnel died while responding to the terrorist attacks that occurred on September 11, 2001;

Whereas firefighters respond to more than 20,000,000 calls during a typical year;

Whereas firefighters also provide emergency medical services, hazardous materials response, special rescue response, terrorism response, and life safety education;

Whereas, in 1922, President Harding declared the week of October 9 to be ''Fire Prevention Week''; and

Whereas the second Tuesday in October is an appropriate day for the establishment of a ''National Firefighter Appreciation Day'': Now, therefore, be it

Resolved, That the Senate designates Tuesday, October 10, 2006, as ''National Firefighter Appreciation Day'' to honor and celebrate the firefighters of the United States.

Mr. INHOFE. Mr. President, every year in the United States, over one million firefighters working with approximately thirty thousand fire departments risk their lives to protect our Nation. Nearly seventy-five percent of those firefighters are volunteers; they put their lives on the line and get almost nothing in return. Volunteer and paid firefighters alike are often forgotten until tragedy strikes and they valiantly come to the rescue. I think that it is regrettable that many of us fail to recognize the sacrifice these brave men and women make every day.

Therefore, today I submit a resolution to establish the first annual National Firefighter Appreciation Day on October 10, 2006.

National Firefighter Appreciation Day will be a day for all Americans to take time to appreciate the firefighters in their communities. National Firefighter Appreciation Day will fall on the second Tuesday in October, during Fire Prevention Week, which has been held over the week of October ninth since 1922. I seek to have this day annually celebrated on the second Tuesday in October for many years to come.

Firefighters are often the first responders at the scene of a disaster. Their rigorous training and determination equip them to put out fires, provide first aid, and stabilize volatile situations. In their long shifts at the fire station, these strong men and women are prepared for disaster, large or small.

Firefighters also provide life safety education, installing fire alarms and distributing information on fire prevention, working to prevent disasters before they occur. One notable time that firefighters and fire marshals engage with the community is when they educate children about ways to prevent fires during Fire Prevention Week. Now, these children will have a reminder on National Firefighter Appreciation Day to stop and thank the firefighters who protect them when the blazes get out of control.

In my State of Oklahoma we know the pain of dealing with loss from a terrorist attack and the importance of firefighters in the aftermath. In 1995, when Timothy McVeigh bombed the Alfred P. Murrah Federal Building in Oklahoma City, 168 people lost their lives. Firefighters and everyday citizens bravely responded to this horrendous act. They accomplished the task of bringing out all victims from the building without loss of life or significant injury to the firefighters and rescue personnel. According to Oklahoma City National Memorial Museum, seventy-five fire departments across Oklahoma participated in the rescue recovery for fifteen days and fifteen hours. In addition, seven states were represented with the FEMA emergency personnel that aided in recovery. Sadly, ten of the firefighters that came to help were from New York City and later died honorably in the September 11th attacks. The entire world watched while every available resource of the city, state, and federal government was mobilized to respond to the attack at the Murrah building.

Most of us are aware of firefighters' efforts in such major disasters. However, we often do not hear about their seemingly smaller acts of heroism. For example, two years ago firefighters in Oklahoma City dove into an ice covered lake to save an eight-year-old boy who had fallen through the ice. The boy had been treading water and holding onto the ice on the edge of the pond for 15 minutes before he was saved by the firefighters. Had he not been rescued by those men, this young boy would have probably died.

In a similar incident a few years before, firefighters responded to a sighting of two young brothers swept downstream in the waterway in Oklahoma City. The rescuers had to take into account a number of factors, including a very rapid current and the physical condition of the boys, to rescue them from the water. Everyday, firefighters protect the public and save lives.

Probably the most notable firefighter response of our time occurred in New York City after the September 11th terrorist attacks. In the midst of a tragic situation, New York City firefighters rushed into the World Trade Center buildings to rescue those left inside. When the buildings collapsed,

they worked day and night to search for people in the rubble. In the end, 346 firefighters and emergency personnel lost their lives.

The heroism and bravery shown by the firefighters and rescue workers in the immediate aftermath of the September 11th terrorist attacks led Connor Gehraty, the son of a New York City firefighter who perished in the rescue efforts after September 11th, to circulate via e-mail the idea of establishing a day to honor firefighters.

Connor has noted that there is substantial remembrance of events such as the Oklahoma City bombing and 9–11. Connor emphasizes that firefighters deserve their own distinct day to be honored for the full panoply of their service. I agree.

Connor has worked diligently for five years to try to accomplish his goal. My office was able to get in touch with him using Facebook, a networking website, and inform him of the plans to make his idea a reality with this resolution. He is very supportive of this legislation.

The Oklahoma State Firefighters Association was also helpful with suggestions in the drafting of this legislation. The Oklahoma State Firefighters Association (OSFA) has 14,000 members consisting of paid (union and non-union), volunteer, and retired firefighters. In addition to providing support, services, and events for firefighters in Oklahoma, the OSFA oversees the Oklahoma Firefighters Museum and the Oklahoma Fallen and Living Firefighters Memorial. I am pleased with the dedication of this organization and the positive role it plays in the lives of Oklahoma's firefighters. I appreciate their suggestions and support of this resolution.

The OSFA is one of many organizations of firefighters in Oklahoma and around the country that impress me. Just last week, a group of fire marshals came all the way up from Oklahoma to visit my DC office. That visit spurred me to move forward with this resolution.

I pledge to ensure that as we celebrate the first annual National Firefighter Appreciation Day and many more in years to come, the hard-working and courageous individuals that make up groups such as these will be honored in a distinct way that is long overdue.

In light of the heroism and inspirational example of firefighters, please join me in naming the second Tuesday of October National Firefighter Appreciation Day.

SENATE RESOLUTION 597—DESIGNATING THE PERIOD BEGINNING ON OCTOBER 8, 2006, AND ENDING ON OCTOBER 14, 2006, AS ''NATIONAL HISPANIC MEDIA WEEK'', IN HONOR OF THE HISPANIC MEDIA OF THE UNITED STATES

Mr. DOMENICI (for himself, Mr. SALAZAR, Mr. MARTINEZ, Mr. BINGAMAN, and Mr. NELSON of Florida) submitted the following resolution; which was:

S. RES. 597

Whereas, for almost 470 years, the United States has benefitted from the work of Hispanic writers and publishers;

Whereas more than 600 Hispanic publishers circulate more than 20,000,000 copies of publications every week in the United States;

Whereas 1 out of every 8 citizens of the United States is served by a Hispanic publisher;

Whereas the Hispanic press informs many citizens of the United States about the great political, economic, and social issues of the day;

Whereas the Hispanic press of the United States particularly focuses on informing and promoting the well-being of the Hispanic community of the United States; and

Whereas, by commemorating the achievements of the Hispanic press, the Senate acknowledges the important role that the Hispanic press has played in the history of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the period beginning on October 8, 2006, and ending on October 14, 2006, as ''National Hispanic Media Week'', in honor of the Hispanic Media of the United States; and

(2) encourages the people of the United States to observe the week with appropriate programs and activities.

Mr. DOMENICI. Mr. President, I rise today to submit an important resolution designating October 8 through the 14 as National Hispanic Media Week. I am joined by Senators BINGAMAN, SALAZAR, MARTINEZ, and NELSON of Florida in the introduction of this resolution.

This is the second year in which the Senate has designated a week to honor the Hispanic media of America. An institution that can trace its origins to almost four hundred years ago, America's Hispanic journalists and publishers have worked tirelessly to promote the free and deliberative exchange of ideas. The Hispanic media has played an important role in protecting cherished freedoms and rights. They have also worked to preserve our freedom of speech and have encouraged the growth of civic engagement in our nation's Hispanic community.

Since its early days, the Hispanic media has grown to serve a population exceeding 20 million people. In my home State of New Mexico, approximately 42 percent of the population is Hispanic. I know that many of these individuals turn to Hispanic media for news and other important information. As such, I am honored to be able to support a group that is important to so many people in my home State and in our great nation.

This resolution calls on the American people to join with all children, families, organizations, communities, churches, cities, and states across the Nation to observe the week with appropriate ceremonies and activities.

I strongly urge my colleagues to join us in promptly passing this Resolution designating October 8 through October 14 as National Hispanic Media Week.

SENATE RESOLUTION 598—DESIGNATING THE WEEK BEGINNING OCTOBER 15, 2006, AS ''NATIONAL CHARACTER COUNTS WEEK''

Mr. DOMENICI (for himself, Mr. DODD, Mr. COCHRAN, Mr. INHOFE, Mr. AKAKA, Mr. PRYOR, Mr. TALENT, Ms. STABENOW, Mr. MARTINEZ, Mr. CRAIG, Mr. KERRY, Mr. SALAZAR, Mr. LIEBERMAN, Mr. STEVENS, Mr. ALEXANDER, Mr. ROCKEFELLER, Mr. JOHNSON, Mr. ENSIGN, Mr. LEVIN, Mr. ALLEN, Mr. DURBIN, Mr. BIDEN, Mr. VOINOVICH, Ms. MURKOWSKI, Mrs. DOLE, and Mr. ENZI) submitted the following resolution, which was:

S. RES. 598

Whereas the well-being of the United States requires that the young people of the United States become an involved, caring citizenry with good character;

Whereas the character education of children has become more urgent as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the United States;

Whereas effective character education is based on core ethical values, which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those who have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of National Character Counts Week, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations would focus on character education, would be of great benefit to the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 15, 2006, as ''National Character Counts Week''; and

(2) calls upon the people of the United States and interested groups—

(A) to embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) to observe the week with appropriate ceremonies, programs, and activities.

Mr. DOMENICI. Mr. President, I rise today with my good friend Senator DODD to submit a resolution designating the week of October 15 through the 21 as the 2006 National Character Counts Week.

Our character is the foundation of who we are as people and how we are perceived by the world. Everyday our character and ethics are tested through the decisions we make and the behavior we exhibit. The National Character Counts program focuses on ''Six Pillars of Character'' which are promoted through school and community based character education programs across the country. The six pillars are: trustworthiness, respect, responsibility, fairness, caring, and citizenship.

I have supported Character Counts throughout the years because I believe this program reaches out to all youth and adults, as the Character Counts Coalition states, no matter the individual's race, creed, politics, gender, and wealth. In my home state of New Mexico, we have run many successful Character Counts programs throughout the years. While many schools initiate Character Counts programs there are also many other organizations that develop character based programming. I would like to take the time to recognize some of the successful programming we have had in New Mexico for 2006.

Mesa Elementary School in Clovis, NM is the definition of a school that embraces character education programming. Everyday school begins with a Character Song and Pledge and every month they organize a Character Counts assembly to recognize and reflect upon the ''Six Pillars of Character.'' In Gallup, the Gallup High School National Honor Society is distributing Character Counts posters to all faculty and staff and volunteering for a Youth Leadership Weekend. In Las Cruces, the City of Las Cruces Recreation Section organized the K–8th basketball leagues to participate in sportsmanship games and the halftime show will spotlight Pursuing Victory with Honor. Lastly, the New Mexico Women's Correctional Facility is gearing up to commence a Character Counts based series in their new character education programming. All of these organizations and schools as well as the many others not mentioned here, are to be commended for their hard work in developing these programs and spreading the message that character truly does count.

During the week of October 15, I hope everyone takes the time to participate in a Character Counts event in their local area. I know in New Mexico we will be having some special celebrations. On October 16 in Carlsbad, New Mexico there will be the 10th Anniversary Character Counts Celebration including a student-designed Character Counts billboard unveiling at a celebratory dinner; October 17, the Las Cruces Public Schools will have ''Go for the Gold'' Character Counts awards; October 19, the Albuquerque Public Schools will have a Character Counts annual awards breakfast, and Chavez County will have a Character Counts Celebration Night; and on October 20, the YMCA of Central New Mexico will have a Youth Achiever Awards ceremony.

I believe this program is making a difference in my home state and across the country. I want to encourage more people to become involved with the Character Counts program, but most of all I hope individuals will take the time to reflect on what the ''Six Pillars of Character'' mean to them.

I hope all of my colleagues will support this effort.

Mr. DODD. Mr. President, today Senator DOMENICI and I are submitting a resolution designating the third week of October as ''National Character Counts Week.'' I have worked for many years on the issue of character education and hope that by designating a special week to this cause, students and teachers will come together to participate in character building activities in their schools not only this week but all year long.

In 1994, Senator DOMENICI and I first established the Partnerships in Character Education Pilot Project and have worked regularly since then to commemorate National Character Counts Week. Character education is about celebrating what's right with young people while enabling them to develop the knowledge and life skills necessary in order to embrace ethical and responsible behavior. I am pleased that we are continuing our efforts today to help expand States' and schools' abilities to make character education a central part of every child's education.

Our schools may figuratively be built with the bricks of English, math and science, but character education certainly provides the mortar. Trustworthiness, respect, responsibility, fairness, caring, and citizenship are the six pillars of character. The standards of conduct that arise out of those values constitute the foundation of ethics, and therefore of ethical decision-making.

Character education looks like young people learning, growing, and becoming. It feels like strength, courage, possibility, and hope. Character education provides students a context within which to learn. If we view education simply as the imparting of knowledge to our children, then we will not only miss an opportunity, but will jeopardize our future.

Currently, there are character education programs across all 50 states in rural, urban and suburban areas at every grade level. I'd like to take a moment to tell you about two programs in my home state of Connecticut.

At Jared Eliot Middle School in Clinton, CT, creating safe, welcoming schools where character matters is a high priority. Pillars showcasing the principles of high character greet everyone who enters the building and are a vivid reminder of the values embraced by the school community. This schoolwide effort is felt and lived by all who work and learn there.

Also, Old Saybrook Middle School, a recognized middle school of the year, is stellar in large part because of the ongoing schoolwide initiative to focus on efforts to create a school climate that celebrates individuals who exhibit high moral character and are engaged and connected to school. Parents are closely involved and support these efforts in uniquely high numbers. This dedicated school and its community work hard to build a positive community through its character education program, and has experienced great success socially and academically because of it.

Character education programs work. Schools across the country that have adopted strong character education programs report better student performance, fewer discipline problems, and increased student involvement within the community. Children want direction—they want to be taught right from wrong. Young people yearn for consistent adult involvement, and when they get it, according to surveys, they are less inclined to use illegal drugs, vandalize or commit suicide. The American public wants character education in our schools, too. Studies show that approximately 90 percent of Americans support schools teaching character education.

As all education policy should be, support of character education is bipartisan. This year we have cosponsors from both sides of the aisle. Many of our country's leading educational and youth-serving organizations also actively support character education, including YMCA, 4–H, Boys and Girls Clubs of America, Little League, the National Education Association and the National Association of Secondary School Principals.

Character education can and is being incorporated into children's lives in and outside of the classroom. It provides a helping hand to our schools and communities to ensure our children's futures are bright and filled with opportunities and success. Character education not only cultivates minds, it nurtures hearts. While our children may be one-quarter of our population, they are 100 percent of our future.

I would submit that character transcends religious, cultural, political,

and socioeconomic barriers. I believe our country is having a renewed focus on character and this sends a wonderful message to Americans, and will help those of us involved in character education reinvigorate our efforts to get communities and schools involved.

So today, Senator DOMENICI and I introduce a resolution to accomplish just that and hopefully our renewed effort will bring together even more communities to ensure that character education is a part of every child's life. I hope that my colleagues will support this important effort.

SENATE RESOLUTION 599—DESIGNATING THE WEEK OF OCTOBER 23, 2006, THROUGH OCTOBER 27, 2006, AS ''NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK''

Mr. REED (for himself, Ms. COLLINS, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. SARBANES, Ms. MIKULSKI, Mr. DODD, Mr. BIDEN, Mr. NELSON of Nebraska, Mrs. MURRAY, Mr. WYDEN, Ms. STABENOW, Ms. CANTWELL, Mr. FEINGOLD, Mr. INOUYE, Mr. JOHNSON, Mr. CARPER, Mr. DEWINE, Mr. OBAMA, Mr. CHAFEE, Mr. KERRY, Mr. DURBIN, Mr. LEVIN, Mrs. CLINTON, Mrs. LINCOLN, Mr. SCHUMER, Mr. BOND, Mr. SANTORUM, Mr. PRYOR, Ms. SNOWE, Ms. LANDRIEU, Mr. HAGEL, Mr. LEAHY, Mr. SPECTER, Mr. BAYH, Mr. MENENDEZ, Mrs. BOXER, and Mrs. FEINSTEIN) submitted the following resolution; which was

S. RES. 599

Whereas lead poisoning is a leading environmental health hazard to children in the United States;

Whereas according to the Centers for Disease Control and Prevention, 310,000 preschool children in the United States have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are significantly more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 23, 2006, through October 27, 2006, as ''National Childhood Lead Poisoning Prevention Week''; and

(2) calls upon the people of the United States to observe the week with appropriate programs and activities.

SENATE RESOLUTION 600—DESIGNATING OCTOBER 12, 2006, AS ''NATIONAL ALTERNATIVE FUEL VEHICLE DAY''

Mr. BYRD (for himself, Mr. LUGAR, Mr. ROCKEFELLER, Mr. KERRY, Mr. BINGAMAN, Ms. STABENOW, Mr. ENSIGN, Ms. CANTWELL, Mr. DODD, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. LEVIN, Mr. WYDEN, Mr. BURR, Mr. BAYH, Mr. BIDEN, Mr. DEWINE, Mr. DURBIN, Mr. DORGAN, Mr. LIEBERMAN, Mr. CONRAD, Mr. SALAZAR, Mr. HAGEL, Mr. GRASSLEY, and Mr. REID) submitted the following resolution; which was:

S. RES. 600

Whereas the United States should reduce the dependence of the Nation on foreign oil and enhance the energy security of the Nation by creating a transportation sector that is less dependent on oil;

Whereas the United States should improve the air quality of the Nation by reducing emissions from the millions of motor vehicles that operate in the United States;

Whereas the United States should foster national expertise and technological advancement in cleaner, more energy-efficient alternative fuel and advanced technology vehicles;

Whereas a robust domestic industry for alternative fuels and alternative fuel and advanced technology vehicles will create jobs and increase the competitiveness of the United States in the international community;

Whereas the people of the United States need more options for clean and energy-efficient transportation;

Whereas the mainstream adoption of alternative fuel and advanced technology vehicles will produce benefits at the local, national, and international levels;

Whereas consumers and businesses require a better understanding of the benefits of alternative fuel and advanced technology vehicles;

Whereas first responders require proper and comprehensive training to become fully prepared for any precautionary measures that they may need to take during incidents and extrications that involve alternative fuel and advanced technology vehicles;

Whereas the Federal Government can lead the way toward a cleaner and more efficient transportation sector by choosing alternative fuel and advanced technology vehicles for the fleets of the Federal Government; and

Whereas Federal support for the adoption of alternative fuel and advanced technology vehicles can accelerate greater energy independence for the United States, improve the environmental security of the Nation, and address global climate change: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 12, 2006, as ''National Alternative Fuel Vehicle Day'';

(2) proclaims National Alternative Fuel Vehicle Day as a day to promote programs and activities that will lead to the greater use of cleaner, more efficient transportation that uses new sources of energy, including—

(A) biofuels;

(B) battery-electric and hybrid-electric power;

(C) natural gas and propane;

(D) hydrogen and fuel cells; and

(E) emerging alternatives to conventional vehicle technologies; and urge Americans—

(A) to increase the personal and commercial use of cleaner and energy-efficient alternative fuel and advanced technology vehicles;

(B) to promote public sector adoption of cleaner and energy-efficient alternative fuel and advanced technology vehicles; and

(C) to encourage the enactment of Federal policies to reduce the dependence of the United States on foreign oil through the advancement and adoption of alternative, advanced, and emerging vehicle and fuel technologies.

SENATE RESOLUTION 601—RECOGNIZING THE EFFORTS AND CONTRIBUTIONS OF OUTSTANDING HISPANIC SCIENTISTS IN THE UNITED STATES

Mr. MARTINEZ (for himself, Mr. SALAZAR, Mr. MENENDEZ, and Mr. NELSON of Florida) submitted the following resolution; which was:

S. RES. 601

Whereas the purpose of the National Hispanic Scientist of the Year Award is to recognize outstanding Hispanic scientists in the United States who promote a greater public understanding of science and motivate Hispanic youth to develop an interest in science;

Whereas the sixth annual National Hispanic Scientist of the Year Gala will be held at the Museum of Science & Industry in Tampa, Florida, on Saturday, October 28, 2006;

Whereas proceeds of the National Hispanic Scientist of the Year Gala support scholarships for Hispanic boys and girls to participate in the Museum of Science & Industry's Youth Enriched by Science Program, known as the ''YES! Team''; and

Whereas a need to acknowledge the work and effort of outstanding Hispanic scientists in the United States has led to the selection of Dr. Inés Cifuentes as the honoree of the sixth annual National Hispanic Scientist of the Year Award, in recognition of her dedication to training science and mathematics educators, and her involvement in encouraging young students to study the earth sciences: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes efforts to educate, support, and provide hope for the Hispanic community, including efforts to honor outstanding Hispanic scientists in the United States at the annual National Hispanic Scientist of the Year Gala and to organize a ''Meet the Hispanic Scientist Day''; and

(2) congratulates Dr. Inés Cifuentes for being honored as the National Hispanic Scientist of the Year for 2006 by the Museum of Science & Industry, in recognition of the dedication Dr. Cifuentes has shown to training science and mathematics educators and her involvement in encouraging young students to study the earth sciences.

SENATE RESOLUTION 602—MEMORIALIZING AND HONORING THE CONTRIBUTIONS OF BYRON NELSON

Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. DORGAN, and Mr. STEVENS) submitted the following resolution, which was:

S. RES. 602

Whereas Byron Nelson was born on a cotton farm in Ellis County, near Waxahachie, Texas, on February 4, 1912;

Whereas Byron Nelson became a caddie and taught himself the game of golf at Glen Garden Country Club in Fort Worth, Texas in 1922;

Whereas Byron Nelson became a professional golfer in 1932 and won 54 PGA-sanctioned tournaments;

Whereas Byron Nelson is widely credited as being the father of the modern swing;

Whereas, in the 1945 professional season, Byron Nelson won a 1-season record of 18 tournaments and averaged 68.33 strokes;

Whereas, in the 1945 professional season, Byron Nelson won a record 11 straight tournaments;

Whereas Byron Nelson was the winner of 5 major championships including the 1937 and 1945 Masters, the 1939 United States Open, and the 1940 and 1945 PGA Championships;

Whereas the Salesmanship Club of Dallas created the EDS Byron Nelson Championship in 1968 and remains the only PGA Tour event named in honor of a professional golfer;

Whereas the EDS Byron Nelson Championship has raised more than $94,000,000 for the Salesmanship Club Youth and Family Centers and has raised more money for charity than any other PGA Tour event;

Whereas Byron Nelson was elected as an inaugural inductee into the World Golf Hall of Fame in 1974; and

Whereas Byron Nelson will be remembered for his kindness and dedication that have won the respect and admiration of his peers, present-day players, and fans of all ages: Now, therefore, be it

Resolved, That the Senate honors the life and legacy of Byron Nelson.

Mrs. HUTCHISON. Mr. President, I would like to take this moment to honor a dear friend and great legend who passed away on September 26, 2006. Byron Nelson leaves behind a legacy as the ''lord'' of golf and a true gentleman, and he will be dearly missed.

Byron Nelson was born to a cotton farmer on February 4, 1912, in Long Branch, TX. At the age of 10, his golf career began as a caddy at the Glen Garden Country Club in Fort Worth. While at Glen Garden, Byron sharpened his skills and put them to the test in a number of competitions, even beating out another future golf legend, Ben Hogan, in a caddy tournament in 1927.

Facing the labor shortages of the Great Depression, Byron decided to turn professional in 1932 at the young age of 22. By 1937, he had won his first Masters. In his 14 years as a professional, Byron won 54 sanctioned tournaments, including the Masters in 1937 and 1942, the U.S. Open in 1939, and the PGA Championship in 1940 and 1945.

As a hemophiliac, Byron was excused from military service during World War II, which allowed him time to perfect his game. In 1944, he won 13 of the 23 tournaments he played, and in the following year won a record 18 times in 31 starts. During his record season of 1945, Byron reached what is widely considered the least attainable record in golf: an astounding 11 victories in a row with a season scoring average of 68.33.

In 1946, Byron retired from the game of golf to his 673-acre ranch in Roanoke, TX. A true Texan, Byron had said throughout his career that his incentive for playing well was that he ''could see the prize money going into the ranch, buying a tractor, or a cow.''

In 1974, he was rewarded by the golfing community for his efforts on the course by being elected as an inaugural inductee into the World Golf Hall of Fame.

Always humble about his talent for the game of golf, Byron once said, ''I know a little about golf. I know how to make stew. And I know how to be a decent man.'' Byron Nelson will not only be remembered for his golf game, but also for his graciousness and humility. Through his involvement, the EDS Byron Nelson Championship has raised over $94 million for the Salesmanship Club Youth and Family Centers, which has contributed more money for charity than any other event on the PGA Tour. Additionally, since 1983, the Byron and Louise Nelson Golf Endowment Fund has provided over $1.5 million in endowment funds to Abilene Christian University in Abilene, Texas.

Today we honor Byron Nelson and his outstanding achievements both on and off the golf course. My prayers go out to his wife, Peggy, and the Nelson family.

SENATE RESOLUTION 603—DESIGNATING THURSDAY, NOVEMBER 16, 2006, AS ''FEED AMERICA DAY''

Mr. HATCH (for himself and Mr. BENNETT) submitted the following resolution; which was:

S. RES. 603

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which the United States was founded;

Whereas, in 2006, great numbers of citizens of the United States continue to suffer hunger and other privations; and

Whereas selfless sacrifice breeds a genuine spirit of Thanksgiving, both affirming and restoring the fundamental principles of the society of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates Thursday, November 16, 2006, as ''Feed America Day''; and

(2) calls upon the people of the United States—

(A) to sacrifice 2 meals on Thursday, November 16, 2006; and

(B) to donate to a religious or charitable organization of their choice the money that they would have spent on food for that day for the purpose of feeding the hungry.

Mr. HATCH. Mr. President, I rise to submit a resolution that would designate Thursday, November 16, 2006, as ''Feed America Day.''

The United States today is marked by an economic prosperity unparalleled in the world. Every year we gather together as family and friends in a great Thanksgiving feast to celebrate the goodness of God and the bounty that He has provided us. Unfortunately, not all in this world participate in this bounty. There are thousands among us who suffer from hunger and want, including far too many children.

Hunger was something our forefathers who instituted the first Thanksgiving feast understood all too well. Nearly half of the small band of Pilgrims who first arrived upon the bleak shores of Plymouth on December 11, 1620, perished from hunger and sickness that first winter. It was only through the generosity and goodwill of friendly native inhabitants that the Pilgrims were able to become self-sufficient and enjoy a bountiful harvest the following year.

It is with a sincere desire that others may partake of our plenty, that I offer this resolution designating Thursday, November 15, 2006, as ''Feed America Day''. That day, before we sit down to our own feasts of thanksgiving, I ask that all Americans share their food with their neighbors just as the Pilgrims and the Indians shared with one another, and all were able to sit down and rejoice together.

The concept of Feed America Day is very simple. On the Thursday before Thanksgiving, I urge every American who is able to fast for two meals and give the money saved to a church or charitable organization engaged in feeding the hungry. Fasting means to go without food for a higher purpose. What higher purpose could there be than to share our blessings with those in need? As we feel the hunger for a brief time that so many in the world experience every day, we become more sensitive to the needs of others. And this strengthened generosity of spirit will reverberate throughout our Nation and the world.

Sarah Josepha Hale, recognized as the Mother of the American Thanksgiving, engaged in a nearly 40-year campaign to have Thanksgiving accepted as a national holiday. She summed up her vision for this holiday in one of her many editorials on the subject published in the women's magazine she headed for many years. She wrote, ''Let us consecrate the day to benevolence of action, by sending good gifts to the poor, and doing those deeds of charity that will, for one day, make every American home the place of plenty and of rejoicing. . . . Let the people of all the States and Territories sit down together to the 'feast of fat things,' and drink in the sweet draught of joy and gratitude to the Divine giver of all our blessings, . . .''

This is the purpose of Feed America Day.

Through this program of fasting and charity, we as a nation can truly embody the spirit of Thanksgiving that was amply demonstrated for us between the first European settlers to this land and its native inhabitants in 1621, and later urged by Mrs. Hale.

I urge my colleagues to support ''Feed America Day''. It is my belief that participating in such selfless sacrifice will breed a genuine spirit of Thanksgiving, affirming and restoring the fundamental principles that form the foundation of the United States of America.

SENATE RESOLUTION 604—RECOGNIZING THE WORK AND ACCOMPLISHMENTS OF MR. BRITT ''MAX'' MAYFIELD, DIRECTOR OF THE NATIONAL HURRICANE CENTER'S TROPICAL PREDICTION CENTER UPON HIS RETIREMENT

Mr. NELSON of Florida (for himself, Ms. SNOWE, Mr. INOUYE, Ms. LANDRIEU, Mr. VITTER, Mr. NELSON of Nebraska, Mr. SHELBY, Mr. DEMINT, Mr. COCHRAN,

and Mr. MARTINEZ) submitted the following resolution; which was:

S. RES. 604

Whereas Mr. Britt ''Max'' Mayfield is known as the ''Walter Cronkite of Weather'', trustworthy, calming, and always giving the facts straight;

Whereas Mr. Mayfield is a Fellow of the American Meteorological Society and a nationally and internationally recognized expert on hurricanes, and has presented papers at national and international scientific meetings, lectured in training sessions sponsored by the United Nations World Meteorological Organization, and provided numerous interviews to electronic and print media worldwide;

Whereas in 2006, Mr. Mayfield received the Government Communicator of the Year Award from the National Association of Government Communicators, a national not-for-profit professional network of government employees who disseminate information within and outside the government, as well as the prestigious Neil Frank Award from the National Hurricane Conference;

Whereas in 2005, Mr. Mayfield received a Presidential Rank Award for Meritorious Service from President George W. Bush and was named ABC Television Network's ''Person of the Week'' after Hurricane Katrina;

Whereas in 2004, the Federal Coordinator for Meteorological Services and Supporting Research presented the Richard Hagemeyer Award to Mr. Mayfield at the Interdepartmental Hurricane Conference for his contributions to the hurricane warning program of the United States;

Whereas also in 2004, the National Academy of Television Arts and Sciences Suncoast Chapter recognized Mr. Mayfield with the Governor's Award, more commonly known as an ''Emmy'', for extraordinary contributions to television by an individual not otherwise eligible for an Emmy;

Whereas in 2000, Mr. Mayfield received an Outstanding Achievement Award at the National Hurricane Conference and in 1996 the American Meteorological Society honored him with the Francis W. Reichelderfer Award for exemplary performance as coordinator of the National Hurricane Center's hurricane preparedness training for emergency preparedness officials and the general public;

Whereas Mr. Mayfield and his colleagues have been recognized by the Department of Commerce with Gold Medals for work during Hurricane Andrew in 1992 and Hurricane Isabel in 2003, and a Silver Medal during Hurricane Gilbert in 1988;

Whereas Mr. Mayfield was also awarded a National Oceanic and Atmospheric Administration Bronze Medal for creating a public-private partnership to support the disaster preparedness of the United States; and

Whereas Mr. Mayfield is the current Chairman of the World Meteorological Organization Regional Association-IV, which supports 26 members from Atlantic and eastern Pacific countries: Now, therefore, be it

Resolved, That the Senate—

(1) honors Mr. Britt ''Max'' Mayfield's commitment to improving the accuracy of hurricane forecasting as Director of the National Hurricane Center's Tropical Prediction Center;

(2) thanks Mr. Mayfield for his service, which has undoubtedly helped to save countless lives and the property of citizens around the world;

(3) commends Mr. Mayfield's dedication to expanding educational opportunities for State and local emergency management officials;

(4) acknowledges the critical role that Mr. Mayfield has played in forecast and service improvements over his 34-year career;

(5) recognizes the unwavering support of Mr. Mayfield's family in supporting his career;

(6) wishes Mr. Mayfield continued success in his future endeavors; and

(7) recognizes the support and work of the staff of the National Hurricane Center's Tropical Prediction Center during Mr. Mayfield's tenure as Director of the Center.

Mr. NELSON of Florida. Mr. President, I am introducing a Resolution to recognize Mr. Britt ''Max'' Mayfield for his outstanding service to our country in his capacity as head of the National Hurricane Center in Miami. He is retiring and I could not let Max retire without thanking him for all he has done to save countless lives and protect billions of dollars of property over his 34-year career.

I have reached out to Max on numerous occasions over the last 2 years when Florida was in the path of eight hurricanes. His straightforward assessment of the risks and accurate predictions were a source of comfort and strength for all of us who live in hurricane-prone areas.

For those reasons, Max is a nationally and internationally recognized expert on hurricanes. During his tenure with the National Hurricane Center the accuracy of hurricane forecasting has improved dramatically. Over his long career, he has earned many awards including NOAA's Bronze Medal for creating a public-private partnership to support the nation's disaster preparedness, the Francis W. Reichelderfer Award, an Outstanding Achievement Award, the Richard Hagemeyer Award, and a Presidential Rank Award from President George W. Bush.

Max and his colleagues also have been recognized by the Department of Commerce with Gold Medals during Hurricanes Andrew and Isabel, and a Silver Medal during Hurricane Gilbert.

On behalf of all Americans, thank you Max and best wishes in your well-deserved retirement.

SENATE RESOLUTION 605—EXPRESSING THE SENSE OF THE SENATE THAT SENATOR PAUL WELLSTONE SHOULD BE REMEMBERED FOR HIS COMPASSION AND LEADERSHIP ON SOCIAL ISSUES AND THAT CONGRESS SHOULD ACT TO END DISCRIMINATION AGAINST CITIZENS OF THE UNITED STATES WHO LIVE WITH A MENTAL ILLNESS BY MAKING LEGISLATION RELATING TO MENTAL HEALTH PARITY A PRIORITY FOR THE 110TH CONGRESS

Mr. DURBIN (for himself, Mr. COLEMAN, Mr. DAYTON, Mr. KENNEDY, Mr. HARKIN, Mr. LEAHY, Mr. FEINGOLD, Mr. REED, Mr. DODD, Mrs. MURRAY, and Mr. LAUTENBERG) submitted the following resolution; which was:

S. RES. 605

Whereas Paul Wellstone served with distinction as a Senator from the State of Minnesota;

Whereas, for more than 20 years, Paul Wellstone inspired the students of Carleton College in Northfield, Minnesota;

Whereas Paul Wellstone was a loving father and husband, a loyal citizen of the United States, and a compassionate person;

Whereas Paul Wellstone dedicated his life to bringing equal access to education, economic opportunity, and comprehensive healthcare to all citizens of the United States;

Whereas Paul Wellstone worked tirelessly to advance mental health parity for all citizens of the United States;

Whereas more than 44,000,000 citizens of the United States suffer from some form of a mental health-related condition;

Whereas only ⅓ of those citizens seek or receive treatment for their mental health-related condition;

Whereas 34 States have enacted laws that require some form of access to mental health treatments that is similar to physical health coverage; and

Whereas the tragic and premature death of Paul Wellstone on October 25, 2002, silenced 1 of the leading voices of the Senate who spoke on behalf of the citizens of the United States who live with a mental illness: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) on the fourth anniversary of his passing, Senator Paul Wellstone should be remembered for his compassion and leadership on social issues throughout his career;

(2) Congress should act to end the discrimination against citizens of the United States who live with a mental illness by guaranteeing equal status for mental and physical illness by health insurance companies; and

(3) mental health parity legislation should be a priority for consideration in the 110th Congress.

SENATE RESOLUTION 606—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO RAISING AWARENESS AND ENHANCING THE STATE OF COMPUTER SECURITY IN THE UNITED STATES, AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL CYBER SECURITY AWARENESS MONTH

Mr. BURNS (for himself, Ms. CANTWELL, Mr. BENNETT, Mr. ISAKSON, Mr. INHOFE, Mr. ALLEN, Mrs. BOXER, Ms. MURKOWSKI, Ms. SNOWE, Ms. COLLINS, and Mr. SMITH) submitted the following resolution; which was:

S. RES. 606

Whereas over 205,000,000 Americans use the Internet in the United States, including over 84,000,000 home-users through broadband connections, to communicate with family and friends, manage their finances, pay their bills, improve their education, shop at home, and read about current events;

Whereas the approximately 26,000,000 small businesses in the United States, who represent 99.7 percent of all United States employers and employ 50 percent of the private work force, increasingly rely on the Internet to manage their businesses, expand their customer reach, and enhance their connection with their supply chain;

Whereas, according to the Department of Education, nearly 100 percent of public

schools in the United States have Internet access, with approximately 93 percent of instructional classrooms connected to the Internet;

Whereas having access to the Internet in the classroom enhances the education of our children by providing access to educational online content and encouraging responsible self-initiative to discover research resources;

Whereas, according to the Pew Institute, almost 9 in 10 teenagers between the ages of 12 and 17, or 87 percent of all youth (approximately 21,000,000 people) use the Internet, and 78 percent (or about 16,000,000 students) say they use the Internet at school;

Whereas teen use of the Internet at school has grown 45 percent since 2000, and educating children of all ages about safe, secure, and ethical practices will not only protect their computer systems, but will also protect the physical safety of our children, and help them become good cyber citizens;

Whereas the growth and popularity of social networking websites have attracted millions of teenagers, providing them with a range of valuable services;

Whereas teens should be taught how to avoid potential threats like cyber bullies, online predators, and identity thieves that they may encounter while using cyber services;

Whereas the critical infrastructure of our Nation relies on the secure and reliable operation of information networks to support our Nation's financial services, energy, telecommunications, transportation, health care, and emergency response systems;

Whereas cyber security is a critical part of the overall homeland security of our Nation, in particular the control systems that control and monitor our drinking water, dams, and other water management systems, our electricity grids, oil and gas supplies, and pipeline distribution networks, our transportation systems, and other critical manufacturing processes;

Whereas terrorists and others with malicious motives have demonstrated an interest in utilizing cyber means to attack our Nation;

Whereas the mission of the Department of Homeland Security includes securing the homeland against cyber terrorism and other attacks;

Whereas Internet users and our information infrastructure face an increasing threat of malicious attacks through viruses, worms, Trojans, and unwanted programs such as spyware, adware, hacking tools, and password stealers, that are frequent and fast in propagation, are costly to repair, and disable entire computer systems;

Whereas, according to Privacy Rights Clearinghouse, since February 2005, over 90,000,000 records containing personally-identifiable information have been breached, and the overall increase in serious data breaches in both the private and public sectors are threatening the security and well-being of the citizens of the United States;

Whereas consumers face significant financial and personal privacy losses due to identity theft and fraud, as reported in over 686,000 consumer complaints in 2005 received by the Consumer Sentinel database operated by the Federal Trade Commission;

Whereas Internet-related complaints in 2005 accounted for 46 percent of all reported fraud complaints received by the Federal Trade Commission;

Whereas the total amount of monetary losses for such Internet-related complaints exceeded $680,000,000, with a median loss of $350 per complaint;

Whereas the youth of our Nation face increasing threats online such as inappropriate content or child predators;

Whereas, according to the National Center For Missing and Exploited Children, 34 percent of teens are exposed to unwanted sexually explicit material on the Internet, and 1 in 7 children report having been approached by an online child predator;

Whereas national organizations, policymakers, government agencies, private sector companies, nonprofit institutions, schools, academic organizations, consumers, and the media recognize the need to increase awareness of computer security and enhance the level of computer and national security in the United States;

Whereas the mission of National Cyber Security Alliance is to increase awareness of cyber security practices and technologies to home-users, students, teachers, and small businesses through educational activities, online resources and checklists, and public service announcements; and

Whereas the National Cyber Security Alliance has designated October as National Cyber Security Awareness Month, which will provide an opportunity to educate the people of the United States about computer security: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Cyber Security Awareness Month; and

(2) will work with Federal agencies, national organizations, businesses, and educational institutions to encourage the development and implementation of existing and future computer security voluntary consensus standards, practices, and technologies in order to enhance the state of computer security in the United States.

SENATE RESOLUTION 607—ADMONISHING THE STATEMENTS MADE BY PRESIDENT HUGO CHAVEZ AT THE UNITED NATIONS GENERAL ASSEMBLY ON SEPTEMBER 20, 2006, AND THE UNDEMOCRATIC ACTIONS OF PRESIDENT CHAVEZ

Mr. BUNNING (for himself, Mr. NELSON of Nebraska, Mr. ALLEN, Mr. CHAMBLISS, Mr. COBURN, Mr. CORNYN, Mr. CRAIG, Mr. GRASSLEY, Mr. INHOFE, Mr. ISAKSON, Mr. VITTER, Mr. ENSIGN, Mr. LUGAR, Mr. FRIST, Mr. KYL, Mr. SUNUNU, Mr. NELSON of Florida, Mr. COLEMAN, Mr. MARTINEZ, and Mr. BURNS) submitted the following resolution; which was:

S. RES. 607

Whereas President Chavez referred to the President of the United States as ''the devil'', and referred to the President as ''the spokesman of imperialism'' for the efforts of the United States to aid the citizens of Afghanistan and Iraq in the goal of those citizens to create a permanent and viable representative government;

Whereas President Chavez made unsubstantiated claims that the United States had set in motion a coup in Venezuela on April 11, 2002, and continues to support coup attempts in Venezuela and elsewhere;

Whereas, to consolidate his powers, President Chavez—

(1) continues to weaken the separation of powers and democratic institutions of the Government of Venezuela;

(2) survived a recall vote in August 2004 through questionably undemocratic actions;

(3) decreed that all private property deemed ''not in productive use'' will be confiscated by the Government of Venezuela and redistributed to third parties;

(4) enacted a media responsibility law that—

(A) placed restrictions on broadcast media coverage; and

(B) imposed severe penalties for violators of that law;

(5) used other legal methods to silence media outlets that criticized his government; and

(6) changed the penal code of Venezuela—

(A) to restrict the rights of freedom of expression and freedom of association once enjoyed by the citizens of Venezuela; and

(B) to increase jail terms for those convicted of criticizing the government of that country;

Whereas, in an effort to destabilize the democratic governments of other countries in that region, President Chavez continues to support anti-democratic forces in Colombia, Ecuador, Peru, and Nicaragua, as well as radical and extremist parties in those countries;

Whereas President Chavez has repeatedly stated his desire to unite Latin America to serve as a buffer against the people and interests of the United States;

Whereas President Chavez has aligned himself with countries that are classified by the Department of State as state sponsors of terrorism; and

Whereas President Chavez has developed a close relationship with the totalitarian regime in Cuba, led by Fidel Castro, and has also associated himself with other authoritarian leaders, including Kim Jong Il of North Korea and Mahmoud Ahmadinejad in Iran: Now, therefore, be it

Resolved, That the Senate condemns—

(1) the statements made by President Hugo Chavez at the United Nations General Assembly on September 20, 2006; and

(2) the undemocratic actions of President Chavez.

SENATE RESOLUTION 608—RECOGNIZING THE CONTRIBUTIONS OF HISPANIC SERVING INSTITUTIONS, AND THE 20 YEARS OF EDUCATIONAL ENDEAVORS PROVIDED BY THE HISPANIC ASSOCIATION OF COLLEGES AND UNIVERSITIES

Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. NELSON of Florida, Mr. DURBIN, Mr. CORNYN, Mr. DOMENICI, Mr. LAUTENBERG, Mr. SMITH, Mr. FRIST, Mr. MCCAIN, Mr. KENNEDY, Mr. SALAZAR, Mr. REID, Mr. MARTINEZ, Mrs. CLINTON, Mr. LIEBERMAN, Mrs. BOXER, and Mr. MENENDEZ) submitted the following resolution; which was:

S. RES. 608

Whereas 202 Hispanic Serving Institutions provide a gateway to higher education for the Hispanic community, enrolling nearly half of all Hispanic students in college today;

Whereas the Hispanic Association of Colleges and Universities, founded in San Antonio, Texas, has grown from 18 founding colleges and universities, to more than 400 United States colleges and universities, which the Association recognizes as Hispanic Serving Institutions, associate members, and partners;

Whereas the Hispanic Association of Colleges and Universities plays a vital role in advocating for the growth, development, and infrastructure enhancement of Hispanic Serving Institutions in order to provide a better and more complete postsecondary education for Hispanics and other students who attend these institutions;

Whereas the Hispanic Association of Colleges and Universities is the only national education association that represents Hispanic Serving Institutions and advocates on

a national and State level for the educational achievement and success of Hispanic students in higher education;

Whereas the membership of the Hispanic Association of Colleges and Universities has extended beyond the borders of the United States to include over 45 colleges and universities in Latin America, Spain, and Portugal in order to expand education, research, and outreach through international opportunities for faculty, internships, scholarships, and governmental partnerships for students at Hispanic Serving Institutions; and

Whereas the 4th week in October 2006 is an appropriate time to express such recognition during the 20th Anniversary Conference of the Hispanic Association of Colleges and Universities in San Antonio, Texas: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the national role of the Hispanic Association of Colleges and Universities as an advocate and champion for Hispanic higher education and congratulates the organization on its 20th Anniversary;

(2) applauds Hispanic Serving Institutions for their work to provide quality educational opportunities to all Hispanic and other students who attend their institutions; and

(3) urges university presidents, faculty, staff, and supporters of Hispanic higher education to continue their efforts to recruit, retain, educate, and graduate students who might not otherwise pursue a postsecondary education.

Mrs. HUTCHISON. Mr. President, I rise today to submit a bipartisan resolution recognizing the contributions of Hispanic Serving Institutions, and the 20 years of educational endeavors provided by The Hispanic Association of Colleges and Universities.

Today, there are currently 202 Hispanic Serving Institutions in the United States enrolling nearly half of all Hispanic students in college. I take pride in noting that The Hispanic Association of Colleges and Universities was founded in my home state of Texas. From its beginning in the City of San Antonio, the Association has grown from 18 colleges and universities to now recognizing more than 400 United States colleges and universities as Hispanic Serving Institutions, associate members, and partners.

The Hispanic Association of Colleges and Universities strives to promote academic success for Hispanic students in higher education. This aspiration is continually met in the United States as the Association is the only national education entity that represents Hispanic Serving Institutions. Though focused on the U.S., the Association is also pursuing this goal of high standards in education by expanding even beyond our borders to 45 colleges and universities in Latin America, Spain and Portugal.

Education offers greater opportunity for every individual, and I commend the Hispanic Association of Colleges and Universities for their work in developing and enhancing Hispanic Serving Institutions in order to provide a quality higher education experience for Hispanics and other students who attend these institutions.

SENATE RESOLUTION 609—HONORING THE CHILDREN'S CHARITIES, YOUTH-SERVING ORGANIZATIONS, AND OTHER NONGOVERNMENTAL ORGANIZATIONS COMMITTED TO ENRICHING AND BETTERING THE LIVES OF CHILDREN AND DESIGNATING THE WEEK OF SEPTEMBER 24, 2006, AS ''CHILD AWARENESS WEEK''

Mr. BURR (for himself, Mr. ALEXANDER, and Mr. ISAKSON) submitted the following resolution; which was:

S. RES. 609

Whereas the children and youths of the United States represent the future of the United States;

Whereas numerous individuals, children's organizations, and youth-serving organizations that work with children and youths on a daily basis provide invaluable services that serve to enrich and better the lives of children and youths;

Whereas by strengthening and supporting children's and youth-serving charities and other similar nongovernmental organizations and by encouraging greater collaboration among these organizations, the lives of many more children may be enriched and made better;

Whereas heightening people's awareness of and increasing the support by the United States for children and youth-serving organizations that provide access to healthcare, social services, education, the arts, sports, and other services will help to improve the lives of children and youths;

Whereas September is a time when parents, families, teachers, school administrators, and others increase their focus on preparing children and youths of the United States for the future as they begin a new school year and it is a time for the people of the United States as a whole to highlight and be mindful of the needs of children and youths;

Whereas ''Child Awareness Week'', observed in September, recognizes the children's charities, youth-serving organizations, and other nongovernmental organizations across the United States for the work they do to improve and enrich the lives of children and youths of the United States; and

Whereas a week-long salute to children and youths is in the public interest and will encourage support for these charities and organizations that seek to provide a better future for the children and youths of the United States: Now, therefore, be it

Resolved That the Senate—

(1) designates the week of September 24, 2006, as ''Child Awareness Week'';

(2) recognizes with great appreciation the children's charities and youth-serving organizations across the United States for their efforts on behalf of children and youths; and

(3) calls on the people of the United States to—

(A) observe the week of September 24, 2006, by focusing on the needs of the children and youths of the United States;

(B) recognize the efforts of children's charities and youth-serving organizations to enrich and better the lives of the children and youths of the United States; and

(C) support the efforts of the children's charities and youth-serving organizations of the United States as an investment for the future of the United States.

SENATE RESOLUTION 610—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD PROMOTE THE ADOPTION OF, AND THE UNITED NATIONS SHOULD ADOPT, A RESOLUTION AT ITS OCTOBER MEETING TO PROTECT THE LIVING RESOURCES OF THE HIGH SEAS FROM DESTRUCTIVE, ILLEGAL, UNREPORTED, AND UNREGULATED FISHING PRACTICES

Mr. STEVENS (for himself, Mr. INOUYE, Mr. LUGAR, Mr. WARNER, Ms. MURKOWSKI, Mr. CHAFEE, Mr. DEMINT, Mr. MCCAIN, Ms. SNOWE, Ms. COLLINS, Mr. SMITH, Mr. LAUTENBERG, Mrs. BOXER, Mr. DODD, Mr. MENENDEZ, Ms. CANTWELL, Ms. LANDRIEU, Mr. JEFFORDS, Mr. COCHRAN, Mr. LIEBERMAN, Mr. KERRY, and Mrs. FEINSTEIN) submitted the following resolution; which was:

S. RES. 610

Whereas it is of paramount importance to the United States and all nations to ensure the protection, conservation, and sustainable management of high seas living marine resources;

Whereas fisheries of the high seas annually generate hundreds of millions of dollars in economic activity and support thousands of jobs in the United States and its territories as well as nations throughout the world;

Whereas the high seas constitute a globally significant reservoir of marine biodiversity, and compounds derived from organisms found on the high seas show promise for the treatment of deadly diseases such as cancer and asthma;

Whereas the United Nations Food and Agriculture Organization reports that a growing number of high seas fish stocks important to the United States and the world are overfished or depleted;

Whereas the United Nations has called for urgent action to address the impact of high seas fishing practices that have adverse impacts on vulnerable marine species and habitats;

Whereas destructive, illegal, unreported, and unregulated fishing by vessels flying non-United States flags threatens high seas fisheries and the habitats that support them;

Whereas nations whose fleets conduct destructive, illegal, unreported, and unregulated high seas fishing enjoy an unfair competitive advantage over United States fishermen, who must comply with the rigorous conservation and management requirements of the Magnuson Stevens Fishery Conservation and Management Act and other laws in order to conserve exhaustible natural resources; and Whereas international cooperation is necessary to address destructive, illegal, unreported, and unregulated fishing which harms the sustainability of high seas living marine resources and the United States fishing industry: Now, therefore, be it

Resolved by the Senate That it is the sense of the Senate that—

(1) the United States should continue to demonstrate international leadership and responsibility regarding the conservation and sustainable use of high seas living marine resources by vigorously promoting the adoption of a resolution at this year's 61st session of the United Nations General Assembly calling on all nations to protect vulnerable marine habitats by prohibiting their vessels from engaging in destructive fishing activity in areas of the high seas where there are no applicable conservation or management measures or in areas with no applicable

international fishery management organization or agreement, until such time as conservation and management measures consistent with the Magnuson-Stevens Act, the United Nations Fish Stocks Agreement, and other relevant instruments are adopted and implemented to regulate such vessels and fisheries; and

(2) the United States calls upon the member nations of the United Nations to adopt a resolution at its October meeting to protect the living resources of the high seas from destructive, illegal, unreported, and unregulated fishing practices.

Mr. STEVENS. Mr. President, as many of my colleagues are aware, we have been engaged in a long fight to bring international fishing up to the standards we have here in the United States under the Magnuson Stevens Act. The Senate passed this important measure by unanimous consent this past June. One of the most important sections of the bill deals with destructive fishing practices conducted by foreign vessels on the high seas that are not subject to any kind of international regulation and control.

The high seas comprise more than half of the planet's surface, yet only 25 percent of this area is regulated by any regional fishery management organization. Management of fishing on the high seas is patchy at best. Some areas like the donut hole in the Bering Sea off my State of Alaska have adopted strict and effective management measures. However, too many areas have not, and without an effective management regime, destructive fishing practices will continue to be conducted by foreign fleets.

In the United States our fishermen must adhere to an extensive set of management and conservation requirements which are laid out in the Magnuson Stevens Act. The eight regional councils located around the United States and the Caribbean Islands are a model of innovative and effective management approaches.

In contrast, management internationally and especially with respect to high seas bottom trawling is sadly lacking. Illegal, unreported and unregulated fishing as well as expanding industrial foreign fleets and high bycatch levels are monumental threats to sustainable fisheries worldwide. These unsustainable and destructive fishing practices on the high seas threaten the good management that takes place in U.S. waters.

One of the proudest moments of my Senate career was going to the United Nations to fight and end the use of large scale driftnets on the high seas. We now have the opportunity to influence the effects of unregulated high seas bottom trawling. The outlines of an agreement on unregulated bottom trawling on the high seas will be discussed at the UN beginning on October 4th. There is clear political consensus that action is needed and the United States should take the lead in protecting our oceans.

The bipartisan resolution I am introducing today with our co-chairman Senator INOUYE and 16 other Senators calls on the United Nations to put an end to unregulated fishing practices on the high seas. It is my hope that the United States will work to secure adoption of a United Nations General Assembly Resolution calling on nations to stop their vessels from conducting illegal, unreported, and unregulated destructive high seas bottom trawling until conservation and management measures to regulate it are adopted.

SENATE RESOLUTION 611—SUPPORTING THE EFFORTS OF THE INDEPENDENT NATIONAL ELECTORAL COMMISSION OF THE GOVERNMENT OF NIGERIA, POLITICAL PARTIES, CIVIL SOCIETY, RELIGIOUS ORGANIZATIONS, AND THE PEOPLE OF NIGERIA FROM ONE CIVILIAN GOVERNMENT TO ANOTHER INTO THE GENERAL ELECTIONS TO BE HELD IN APRIL 2007

Mr. FEINGOLD (for himself, Mr. HAGEL, Ms. LANDRIEU, and Mr. DEWINE) submitted the following resolution; which was:

S. RES. 611

Whereas the United States maintains strong and friendly relations with Nigeria and values the leadership role that the Nigeria plays throughout the continent of Africa, particularly in the establishment of the New Partnership for African Development and the African Union;

Whereas Nigeria is an important strategic partner with the United States in combating terrorism, promoting regional stability, and improving energy security;

Whereas Nigeria has been, and continues to be, a leading supporter of the peacekeeping efforts of the United Nations and the Economic Community of West African States by contributing troops to operations in Lebanon, Yugoslavia, Kuwait, the Democratic Republic of Congo, Liberia, Sierra Leone, Somalia, Rwanda, and Sudan;

Whereas past corruption and poor governance have resulted in weak political institutions, crumbling infrastructure, a feeble economy, and an impoverished population;

Whereas political aspirants and the democratic process of Nigeria are being threatened by increasing politically-motivated violence, including the assassination of 3 gubernatorial candidates in different states during the previous 2 months; and

Whereas the Chairperson of the Independent National Electoral Commission has—

(1) announced that governorship and state assembly elections will be held on April 14, 2007;

(2) stated that voting for the president and national assembly will take place on April 21, 2007; and

(3) vowed to organize free and fair elections to facilitate a smooth democratic transition: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of Nigeria as a strategic partner and long-time friend of the United States;

(2) acknowledges the increasing significance of the leadership of Nigeria throughout the region and continent;

(3) commends the decision of the National Assembly of Nigeria to reject an amendment to the constitution that would have lifted the existing 2-term limit and allowed for a third presidential term;

(4) encourages the Government of Nigeria and the Independent National Electoral Commission to demonstrate a commitment to successful democratic elections by—

(A) developing an aggressive plan for voter registration and education;

(B) addressing charges of past or intended corruption in a transparent manner; and

(C) conducting objective and unbiased recruitment and training of election officials;

(5) urges the Government of Nigeria to respect the freedoms of association and assembly, including the right of candidates, members of political parties, and others—

(A) to freely assemble;

(B) to organize and conduct public events; and

(C) to exercise those and other rights in a manner free from intimidation or harassment;

(6) urges a robust effort by the law enforcement and judicial officials of Nigeria to enforce the rule of law, particularly by—

(A) preventing and investigating politically-motivated violence; and

(B) prosecuting those suspected of such acts;

(7) urges—

(A) President Bush to ensure that the United States supports the democratic gains made in Nigeria during the last 8 years; and

(B) the Government of Nigeria to actively seek the support of the international community for democratic, free, and fair elections in April 2007; and

(8) expresses the support of the United States for coordinated efforts by the Government of Nigeria and the Independent National Electoral Commission to work with political parties, civil society, religious organizations, and other entities to organize a peaceful political transition based on free and fair elections in April 2007 to further consolidate the democracy of Nigeria.

SENATE CONCURRENT RESOLUTION 121—EXPRESSING THE SENSE OF THE CONGRESS THAT JOINT CUSTODY LAWS FOR FIT PARENTS SHOULD BE PASSED BY EACH STATE, SO THAT MORE CHILDREN ARE RAISED WITH THE BENEFITS OF HAVING A FATHER AND A MOTHER IN THEIR LIVES

Mr. AKAKA submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 121

Whereas, in the Fatherhood Program provided for in section 119 of H.R. 240, as introduced in the House of Representatives on January 4, 2005, it states that—

(1) in approximately 84 percent of the cases where a parent is absent, that parent is the father;

(2) if current trends continue, half of all children born today will live apart from one of their parents, usually their father, at some point before they turn 18 years old;

(3) where families (whether intact or with a parent absent) are living in poverty, a significant factor is the father's lack of job skills;

(4) committed and responsible fathering during infancy and early childhood contributes to the development of emotional security, curiosity, and math and verbal skills;

(5) an estimated 19,400,000 children (27 percent) live apart from their biological fathers; and

(6) 40 percent of the children under age 18 not living with their biological fathers had

not seen their fathers even once in the past 12 months, according to national survey data;

Whereas single parents are to be commended for the tremendous job that they do with their children;

Whereas the United States needs to encourage responsible parenting by both fathers and mothers, whenever possible;

Whereas the United States needs to encourage both parents, as well as extended families, to be actively involved in children's lives;

Whereas a way to encourage active involvement is to encourage joint custody and shared parenting;

Whereas the American Bar Association found in 1997 that 19 States plus the District of Columbia had some form of presumption for joint custody, either legal, physical, or both, and by 2006, 13 additional States had added some form of presumption, bringing the current total to 32 States plus the District of Columbia;

Whereas data from the Census Bureau shows a correlation between joint custody and shared parenting and a higher rate of payment of child support;

Whereas social science literature shows that a higher proportion of children from intact families with two parents in the home are well adjusted, and research also shows that for children of divorced, separated, and never married parents, joint custody is strongly associated with positive outcomes for children on important measures of adjustment and well being; and

Whereas research by the Department of Health and Human Services shows that the States with the highest amount of joint custody subsequently had the lowest divorce rate: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that joint custody laws for fit parents should be passed by each State, so that more children are raised with the benefits of having a father and a mother in their lives.

Mr. AKAKA. Mr. President, I rise today to submit legislation expressing the sense of the Congress that States should enact joint custody laws for fit parents, so that more children are raised with the benefit of having both parents in their lives.

One of the most significant problems facing our Nation today is the number of children being raised without the love and support of both parents. Even if it is not possible for the parents to remain in a committed partnership, it is important that, when possible, each parent as well as their extended families have every opportunity to play an active role in their children's life. A number of recent studies have suggested that children greatly benefit from joint custody or shared parenting arrangements. In my own home State of Hawaii, it is a way of life to have our keiki, or children, raised and nurtured by the extended family and we have seen how our children flourish when the responsibility of child rearing is shared.

This Nation's children are our most vital resource and every effort should be made to ensure that they receive the guidance and encouragement they need to thrive. I urge States to pass joint custody laws for fit parents so all children can be raised within the extended embrace of both parents and their families.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5107. Mrs. HUTCHISON (for herself, Mr. STEVENS, and Mr. CORNYN) proposed an amendment to the bill S. 3661, to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas.

SA 5108. Mrs. HUTCHISON (for Mr. DOMENICI) proposed an amendment to the bill S. 1131, to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes.

SA 5109. Mrs. HUTCHISON (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 1830, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

SA 5110. Mrs. HUTCHISON (for Mr. DOMENICI) proposed an amendment to the bill S. 1913, to authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes.

SA 5111. Mrs. HUTCHISON (for Mr. DOMENICI) proposed an amendment to the bill H.R. 409, to provide for the exchange of land within the Sierra National Forest, California, and for other purposes.

SA 5112. Mrs. HUTCHISON (for Mr. DOMENICI) proposed an amendment to the bill H.R. 409, supra.

SA 5113. Mrs. HUTCHISON (for Mr. DOMENICI) proposed an amendment to the bill H.R. 3085, to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

SA 5114. Mr. FRIST (for Mr. BENNETT) proposed an amendment to the bill H.R. 5585 to improve the netting process for financial contracts, and for other purposes.

SA 5115. Mr. FRIST (for Mrs. FEINSTEIN (for herself, Mr. INHOFE, Mr. THUNE, Mr. ISAKSON, Mr. DEMINT, Mr. COBURN, Mr. DEWINE, Mr. SANTORUM, Mr. HATCH, Mr. CORNYN, and Mr. BROWNBACK)) proposed an amendment to the bill S. 3880, to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

SA 5116. Mr. FRIST (for Ms. MURKOWSKI) proposed an amendment to the bill S. 1409, to amend the Safe Drinking Water Act Amendments of 1996 to modify the grant program to improve sanitation in rural and Native villages in the State of Alaska.

SA 5117. Mr. FRIST (for Mr. CRAIG) proposed an amendment to the bill S. 3938, to reauthorize the Export-Import Bank of the United States.

SA 5118. Mr. FRIST (for Mr. INHOFE (for himself and Mr. JEFFORDS)) proposed an amendment to the bill S. 3879, to implement the Convention on Supplementary Compensation for Nuclear Damage, and for other purposes.

SA 5119. Mr. FRIST (for Mr. MCCAIN) proposed an amendment to the bill S. 3526, to amend the Indian Land Consolidation Act to modify certain requirements under that Act.

SA 5120. Mr. FRIST (for Mr. INHOFE) proposed an amendment to the bill S. 3867, to designate the United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the 'Rush H. Limbaugh, Sr. United States Courthouse'.

SA 5121. Mr. FRIST (for Mr. INHOFE) proposed an amendment to the bill S. 3867, supra.

TEXT OF AMENDMENTS

SA 5107. Mrs. HUTCHISON (for herself, Mr. STEVENS, and Mr. CORNYN) proposed an amendment to the bill S. 3661, to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wright Amendment Reform Act of 2006''.

SEC. 2. MODIFICATION OF PROVISIONS REGARDING FLIGHTS TO AND FROM LOVE FIELD, TEXAS.

(a) EXPANDED SERVICE.—Section 29(c) of the International Air Transportation Competition Act of 1979 (Public Law 96–192; 94 Stat. 35) is amended by striking ''carrier, if (1)'' and all that follows and inserting the following: ''carrier. Air carriers and, with regard to foreign air transportation, foreign air carriers, may offer for sale and provide through service and ticketing to or from Love Field, Texas, and any United States or foreign destination through any point within Texas, New Mexico, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Missouri, or Alabama.''.

(b) REPEAL.—Section 29 of the International Air Transportation Competition Act of 1979 (94 Stat. 35), as amended by subsection (a), is repealed on the date that is 8 years after the date of enactment of this Act.

SEC. 3. TREATMENT OF INTERNATIONAL NONSTOP FLIGHTS TO AND FROM LOVE FIELD, TEXAS.

No person shall provide, or offer to provide, air transportation of passengers for compensation or hire between Love Field, Texas, and any point or points outside the 50 States or the District of Columbia on a nonstop basis, and no official or employee of the Federal Government may take any action to make or designate Love Field as an initial point of entry into the United States or a last point of departure from the United States.

SEC. 4. CHARTER FLIGHTS AT LOVE FIELD, TEXAS.

(a) IN GENERAL.—Charter flights (as defined in section 212.2 of title 14, Code of Federal Regulations) at Love Field, Texas, shall be limited to—

(1) destinations within the 50 States and the District of Columbia; and

(2) no more than 10 per month per air carrier for charter flights beyond the States of Texas, New Mexico, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Missouri, and Alabama.

(b) CARRIERS WHO LEASE GATES.—All flights operated to or from Love Field by air carriers that lease terminal gate space at Love Field shall depart from and arrive at one of those leased gates; except for—

(1) flights operated by an agency of the Federal Government or by an air carrier under contract with an agency of the Federal Government; and

(2) irregular operations.

(c) CARRIERS WHO DO NOT LEASE GATES.—Charter flights from Love Field, Texas, operated by air carriers that do not lease terminal space at Love Field may operate from nonterminal facilities or one of the terminal gates at Love Field.

SEC. 5. LOVE FIELD GATES.

(a) IN GENERAL.—The city of Dallas, Texas, shall reduce as soon as practicable, the number of gates available for passenger air service at Love Field to no more than 20 gates. Thereafter, the number of gates available for such service shall not exceed a maximum of 20 gates. The city of Dallas, pursuant to its

authority to operate and regulate the airport as granted under chapter 22 of the Texas Transportation Code and this Act, shall determine the allocation of leased gates and manage Love Field in accordance with contractual rights and obligations existing as of the effective date of this Act for certificated air carriers providing scheduled passenger service at Love Field on July 11, 2006. To accommodate new entrant air carriers, the city of Dallas shall honor the scarce resource provision of the existing Love Field leases.

(b) REMOVAL OF GATES AT LOVE FIELD.—No Federal funds or passenger facility charges may be used to remove gates at the Lemmon Avenue facility, Love Field, in reducing the number of gates as required under this Act, but Federal funds or passenger facility charges may be used for other airport facilities under chapter 471 of title 49, United States Code.

(c) GENERAL AVIATION.—Nothing in this Act shall affect general aviation service at Love Field, including flights to or from Love Field by general aviation aircraft for air taxi service, private or sport flying, aerial photography, crop dusting, corporate aviation, medical evacuation, flight training, police or fire fighting, and similar general aviation purposes, or by aircraft operated by any agency of the Federal Government or by any air carrier under contract to any agency of the Federal Government.

(d) ENFORCEMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation and the Administrator of the Federal Aviation Administration may not make findings or determinations, issue orders or rules, withhold airport improvement grants or approvals thereof, deny passenger facility charge applications, or take any other actions, either self-initiated or on behalf of third parties—

(A) that are inconsistent with the contract dated July 11, 2006, entered into by the city of Dallas, the city of Fort Worth, the DFW International Airport Board, and others regarding the resolution of the Wright Amendment issues, unless actions by the parties to the contract are not reasonably necessary to implement such contract; or

(B) that challenge the legality of any provision of such contract.

(2) COMPLIANCE WITH TITLE 49 REQUIREMENTS.—A contract described in paragraph (1)(A) of this subsection, and any actions taken by the parties to such contract that are reasonably necessary to implement its provisions, shall be deemed to comply in all respects with the parties' obligations under title 49, United States Code.

(e) LIMITATION ON STATUTORY CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this Act shall be construed—

(A) to limit the obligations of the parties under the programs of the Department of Transportation and the Federal Aviation Administration relating to aviation safety, labor, environmental, national historic preservation, civil rights, small business concerns (including disadvantaged business enterprise), veteran's preference, disability access, and revenue diversion;

(B) to limit the authority of the Department of Transportation or the Federal Aviation Administration to enforce the obligations of the parties under the programs described in subparagraph (A);

(C) to limit the obligations of the parties under the security programs of the Department of Homeland Security, including the Transportation Security Administration, at Love Field, Texas;

(D) to authorize the parties to offer marketing incentives that are in violation of Federal law, rules, orders, agreements, and other requirements; or

(E) to limit the authority of the Federal Aviation Administration or any other Federal agency to enforce requirements of law and grant assurances (including subsections (a)(1), (a)(4), and (s) of section 47107 of title 49, United States Code) that impose obligations on Love Field to make its facilities available on a reasonable and nondiscriminatory basis to air carriers seeking to use such facilities, or to withhold grants or deny applications to applicants violating such obligations with respect to Love Field.

(2) FACILITIES.—Paragraph (1)(E)—

(A) shall only apply with respect to facilities that remain at Love Field after the city of Dallas has reduced the number of gates at Love Field as required by subsection (a); and

(B) shall not be construed to require the city of Dallas, Texas—

(i) to construct additional gates beyond the 20 gates referred to in subsection (a); or

(ii) to modify or eliminate preferential gate leases with air carriers in order to allocate gate capacity to new entrants or to create common use gates, unless such modification or elimination is implemented on a nationwide basis.

SEC. 6. APPLICABILITY.

The provisions of this Act shall apply to actions taken with respect to Love Field, Texas, or air transportation to or from Love Field, Texas, and shall have no application to any other airport (other than an airport owned or operated by the city of Dallas or the city of Fort Worth, or both).

SEC. 7. EFFECTIVE DATE.

Sections 1 through 6, including the amendments made by such sections, shall take effect on the date that the Administrator of the Federal Aviation Administration notifies Congress that aviation operations in the airspace serving Love Field and the Dallas-Fort Worth area which are likely to be conducted after enactment of this Act can be accommodated in full compliance with Federal Aviation Administration safety standards in accordance with section 40101 of title 49, United States Code, and, based on current expectations, without adverse effect on use of airspace in such area.

SA 5108. Mrs. HUTCHISON (for Mr. DOMENICI) proposed an amendment to the bill S. 1131, to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes; as follows:

On page 15, between lines 22 and 23, insert the following:

(3) TERM OF APPROVAL.—The term of approval of the appraisals by the interdepartmental review team is extended to September 13, 2008.

SA 5109. Mrs. HUTCHISON (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 1830, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes; as follows:

On page 7, between lines 1 and 2, insert the following:

(i) in the fourth sentence of subsection (a), by striking ''Compact, as Amended, of Free Association'' and inserting ''Compact of Free Association, as amended'';

On page 7, line 2, strike ''(i)'' and insert ''(ii)''.

On page 7, line 11, strike ''(ii)'' and insert ''(iii)''.

On page 8, line 1, strike ''(iii)'' and insert ''(iv)''.

On page 10, between lines 17 and 18, insert the following:

(i) in the fourth sentence of subsection (a), by striking ''Compact, as Amended, of Free Association'' and inserting ''Compact of Free Association, as amended'';

On page 10, line 18, strike ''(i)'' and insert ''(ii)''.

On page 11, line 9, strike ''(ii)'' and insert ''(iii)''.

On page 12, strike line 21 and insert the following: ''inserting ', as amended.' after 'the Compact';''.

On page 13, strike line 2 and insert the following: ''and inserting 'Telecommunication Union'; and''.

On page 13, after line 25, add the following:

SEC. 9. CLARIFICATION OF TAX-FREE STATUS OF TRUST FUNDS.

In the U.S.–RMI Compact, the U.S.–FSM Compact, and their respective trust fund subsidiary agreements, for the purposes of taxation by the United States or its subsidiary jurisdictions, the term ''State'' means ''State, territory, or the District of Columbia''.

SA 5110. Mrs. HUTCHISON (for Mr. DOMENICI) proposed an amendment to the bill S. 1913, to authorize the Secretary of the Interior to lease a portion of the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes; as follows:

Strike the item in the table of contents relating to section 207.

Strike section 207.

SA 5111. Mrs. HUTCHISON (for Mr. DOMENICI) proposed an amendment to the bill H.R. 409, to provide for the exchange of land within the Sierra National Forest, California, and for other purposes; as follows:

Strike section 4 and insert the following:

SEC. 4. GRANT OF EASEMENT AND RIGHT OF FIRST REFUSAL.

In accordance with the agreement entered into by the Forest Service, the Council, and the owner of Project No. 67 entitled the ''Agreement to Convey Grant of Easement and Right of First Refusal'' and executed on April 17, 2006—

(1) the Secretary shall grant an easement to the owner of Project No. 67; and

(2) the Council shall grant a right of first refusal to the owner of Project No. 67.

SA 5112. Mrs. HUTCHISON (for Mr. DOMENICI) proposed an amendment to the bill H.R. 409, to provide for the exchange of land within the Sierra National Forest, California, and for other purposes; as follows:

At the end, add the following:

SEC. 6. GRANTS TO IMPROVE THE COMMERCIAL VALUE OF FOREST BIOMASS FOR ELECTRIC ENERGY, USEFUL HEAT, TRANSPORTATION FUELS, AND OTHER COMMERCIAL PURPOSES.

Section 210(d) of the Energy Policy Act of 2005 (42 U.S.C. 15855(d)) is amended by striking ''$50,000,000 for each of the fiscal years 2006 through 2016'' and inserting ''$50,000,000 for fiscal year 2006 and $35,000,000 for each of fiscal years 2007 through 2016''.

SA 5113. Mrs. HUTCHISON (for Mr. DOMENICI) proposed an amendment to the bill H.R. 3085, to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes; as follows:

On page 3, strike lines 1 through 3 and insert the following:

''(iv) The related campgrounds located along the routes and land components described in clauses (i) through (iii).

''(D) No additional funds are authorized to be appropriated to carry out subparagraph (C). The Secretary may accept donations for the Trail from private, nonprofit, or tribal organizations.''.

SA 5114. Mr. FRIST (for Mr. BENNETT) proposed an amendment to the bill H.R. 5585 to improve the neeting process for financial contracts, and for other purposes.

Strike section 7 (relating to compensation of chapter 7 trustees; chapter 7 filing fees).

In section 8 (relating to scope of application), strike the section heading and all that follows through ''the amendments made'' and insert the following:

''SEC. 7. SCOPE OF APPLICATION.

''The amendments made''.

SA 5115. Mr. FRIST (for Mrs. FEINSTEIN (for herself, Mr. INHOFE, Mr. THUNE, Mr. ISAKSON, Mr. DEMINT, Mr. COBURN, Mr. DEWINE, Mr. SANTORUM, Mr. HATCH, Mr. CORNYN, and Mr. BROWNBACK)) proposed an amendment to the bill S. 3880, to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may he cited as the ''Animal Enterprise Terrorism Act''.

SEC. 2. INCLUSION OF ECONOMIC DAMAGE TO ANIMAL ENTERPRISES AND THREATS OF DEATH AND SERIOUS BODILY INJURY TO ASSOCIATED PERSONS.

(a) IN GENERAL.—Section 43 of title 18, United States Code, is amended to read as follows:

''§ 43. Force, violence, and threats involving animal enterprises

''(a) OFFENSE.—Whoever travels in interstate or foreign commerce, or uses or causes to be used the mail or any facility of interstate or foreign commerce—

''(1) for the purpose of damaging or interfering with the operations of an animal enterprise; and

''(2) in connection with such purpose—

''(A) intentionally damages or causes the loss of any real or personal property (including animals or records) used by an animal enterprise, or any real or personal property of a person or entity having a connection to, relationship with, or transactions with an animal enterprise;

''(B) intentionally places a person in reasonable fear of the death of, or serious bodily injury to that person, a member of the immediate family (as defined in section 115) of that person, or a spouse or intimate partner of that person by a course of conduct involving threats, acts of vandalism, property damage, criminal trespass, harassment, or intimidation; or

''(C) conspires or attempts to do so; shall be punished as provided for in subsection (b).

''(b) PENALTIES.—The punishment for a violation of section (a) or an attempt or conspiracy to violate subsection (a) shall be—

''(1) a fine under this title or imprisonment not more than 1 year, or both, if the offense does not instill in another the reasonable fear of serious bodily injury or death and—

''(A) the offense results in no economic damage or bodily injury; or

''(B) the offense results in economic damage that does not exceed $10,000;

''(2) a fine under this title or imprisonment for not more than 5 years, or both, if no bodily injury occurs and—

''(A) the offense results in economic damage exceeding $10,000 but not exceeding $100,000; or

''(B) the offense instills in another the reasonable fear of serious bodily injury or death;

''(3) a fine under this title or imprisonment for not more than 10 years, or both, if—

''(A) the offense results in economic damage exceeding $100,000; or

''(B) the offense results in substantial bodily injury to another individual;

''(4) a fine under this title or imprisonment for not more than 20 years, or both, if—

''(A) the offense results in serious bodily injury to another individual; or

''(B) the offense results in economic damage exceeding $1,000,000; and

''(5) imprisonment for life or for any terms of years, a fine under this title, or both, if the offense results in death of another individual.

''(c) RESTITUTION.—An order of restitution under section 3663 or 3663A of this title with respect to a violation of this section may also include restitution—

''(1) for the reasonable cost of repeating any experimentation that was interrupted or invalidated as a result of the offense;

''(2) for the loss of food production or farm income reasonably attributable to the offense; and

''(3) for any other economic damage, including any losses or costs caused by economic disruption, resulting from the offense.

''(d) DEFINITIONS.—As used in this section—

''(1) the term 'animal enterprise' means—

''(A) a commercial or academic enterprise that uses or sells animals or animal products for profit, food or fiber production, agriculture, education, research, or testing;

''(B) a zoo, aquarium, animal shelter, pet store, breeder, furrier, circus, or rodeo, or other lawful competitive animal event; or

''(C) any fair or similar event intended to advance agricultural arts and sciences;

''(2) the term 'course of conduct' means a pattern of conduct composed of 2 or more acts, evidencing a continuity of purpose;

''(3) the term 'economic damage'—

''(A) means the replacement costs of lost or damaged property or records, the costs of repeating an interrupted or invalidated experiment, the loss of profits, or increased costs, including losses and increased costs resulting from threats, acts or vandalism, property damage, trespass, harassment, or intimidation taken against a person or entity on account of that person's or entity's connection to, relationship with, or transactions with the animal enterprise; but

''(B) does not include any lawful economic disruption (including a lawful boycott) that results from lawful public, governmental, or business reaction to the disclosure of information about an animal enterprise;

''(4) the term 'serious bodily injury' means—

''(A) injury posing a substantial risk of death;

''(B) extreme physical pain;

''(C) protracted and obvious disfigurement; or

''(D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty; and

''(5) the term 'substantial bodily injury' means—

''(A) deep cuts and serious burns or abrasion;

''(B) short-term or nonobvious disfigurement;

''(C) fractured or dislocated bones, or torn members of the body;

''(D) significant physical pain;

''(E) illness;

''(F) short-term loss or impairment of the function of a bodily member, organ, or mental faculty; or

''(G) any other significant injury to the body.

''(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution;

''(2) to create new remedies for interference with activities protected by the free speech or free exercise clauses of the First Amendment to the Constitution, regardless of the point of view expressed, or to limit any existing legal remedies for such interference; or

''(3) to provide exclusive criminal penalties or civil remedies with respect to the conduct prohibited by this action, or to preempt State or local laws that may provide such penalties or remedies.''.

(b) CLERICAL AMENDMENT.—The item relating to section 43 in the table of sections at the beginning of chapter 3 of title 18, United States Code, is amended to read as follows:

''43. Force, violence, and threats involving animal enterprises.''.

SA 5116. Mr. FRIST (for Ms. MURKOWSKI) proposed an amendment to the bill S. 1409, to amend the Safe Drinking Water Act Amendments of 1996 to modify the grant program to improve sanitation in rural and Native villages in the State of Alaska; as follows:

On page 3, strike line 7 and insert the following:

''(f) REPORTING.—Not later than December 31, 2007 (with respect to fiscal year 2007), and annually thereafter (with respect to each subsequent fiscal year), the State of Alaska shall submit to

On page 3, strike line 14 and insert the following:

''(g) REVIEW.—

''(1) IN GENERAL.—The Administrator of the

On page 3, lines 15 through 17, strike ''recommend to the State of Alaska means by which the State of Alaska can address'' and insert ''require the State of Alaska to correct''.

On page 3, strike line 18 and insert the following:

section (f).

''(2) FAILURE TO CORRECT OR REACH AGREEMENT.—

''(A) IN GENERAL.—If a deficiency in a project included in a report under subsection (f) is not corrected within a period of time agreed to by the Administrator and the State of Alaska, the Administrator shall not permit additional expenditures for that project.

''(B) TIME AGREEMENT.—

''(i) IN GENERAL.—Not later than 180 days after the date of submission to the Administrator of a report under subsection (f), the Administrator and the State of Alaska shall reach an agreement on a period of time referred to in subparagraph (A).

''(ii) FAILURE TO REACH AGREEMENT.—If the State of Alaska and the Administrator fail to reach an agreement on the period of time to correct a deficiency in a project included in a report under subsection (f) by the deadline specified in clause (i), the Administrator shall not permit additional expenditures for that project.''; and

On page 3, line 24, strike ''2010'' and insert ''2009''.

SA 5117. Mr. FRIST (for Mr. CRAIG) proposed an amendment to the bill S. 3938, to reauthorize the Export-Import Bank of the United States; as follows:

On page 14 lines 8 and 9, strike ''the International Trade Commission,''.

SA 5118. Mr. FRIST (for Mr. INHOFE (for himself and Mr. JEFFORDS)) proposed an amendment to the bill S. 3879, to implement the Convention on Supplementary Compensation for Nuclear Damage, and for other purposes; as follows:

On page 13, line 2, insert ''and every 5 years thereafter'' after ''Act''.

SA 5119. Mr. FRIST (for Mr. MCCAIN) proposed an amendment to the bill S. 3526, to amend the Indian Land Consolidation Act to modify certain requirements under that Act; as follows:

On page 2, strike lines 18 through 20 and insert the following:

''(B) includes, for purposes of intestate succession only under section 207(a) and only with respect to any decedent who dies after July 20,

Beginning on page 3, strike line 12 and all that follows through page 4, line 9, and insert the following:

''(v) EFFECT OF SUBPARAGRAPH.—Nothing in this subparagraph limits the right of any person to devise any trust or restricted interest pursuant to a valid will in accordance with subsection (b).'';

On page 6, line 21, strike ''that'' and insert ''who''.

SA 5120. Mr. FRIST (for Mr. INHOFE) proposed an amendment to the bill S. 3867, to designate the United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the 'Rush H. Limbaugh, Sr. United States Courthouse' ''; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. RUSH H. LIMBAUGH, SR. UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, shall be known and designated as the ''Rush H. Limbaugh, Sr. United States Courthouse''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the ''Rush H. Limbaugh, Sr. United States Courthouse''.

SA 5121. Mr. FRIST (for Mr. INHOFE) proposed an amendment to the bill S. 3867, to designate the United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the 'Rush H. Limbaugh, Sr. United States Courthouse' ''; as follows:

Amend the title so as to read: ''To designate the United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the 'Rush H. Limbaugh, Sr. United States Courthouse'.''.

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. SNOWE. Mr. President, the Chair would like to inform the Members of the Committee that the committee will hold a field hearing entitled ''Challenges Facing Women-Owned Small Businesses in Government Contracting,''on Tuesday, October 3, 2006, beginning at 2:30 p.m. in the Edwin Meese Conference Room of George Mason University's Fairfax campus.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, November 15, 2006 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 2148, a bill to direct the Secretary of the Interior to study the suitability and feasibility of establishing the Chattahoochee Trace National Heritage Corridor in Alabama and Georgia, and for other purposes; and H.R. 1096, a bill to establish the Thomas Edison National Historical Park in the State of New Jersey as the successor to the Edison National Historic Site.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Tom Lillie at 202–224–5161, David Szymanski at 202–224–6293, or Sara Zecher 202–224–8276.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, November 16, 2006 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 3636, a bill to establish wilderness areas, promote conservation, improve public land, and provide for high quality economic development in Washington County, Utah, and for other purposes; and S. 3772, a bill to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in White Pine County, Nevada, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Frank Gladics at 202–224–2878, Dick Bouts at 202–224–7545, or Sara Zecher 202–224–8276.

PRIVILEGES OF THE FLOOR

Mr. ENZI. I ask unanimous consent that David Schmickel be granted the privilege of the floor.

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

Mr. ENZI. I ask unanimous consent to grant floor privileges to Lesley Stewart of my staff for the duration of the day.

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

NOMINATIONS TO REMAIN IN STATUS QUO

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that all nominations received by the Senate during the 109th Congress remain in status quo, notwithstanding the September 30, 2006, adjournment of the Senate and the provisions of rule XXXI, paragraph 6, of the Standing Rules of the Senate, with the following exceptions.

The list of nominations is as follows:

NOMINATIONS STATUS QUO WITH THE FOLLOWING EXCEPTIONS

BROADCASTING BOARD OF GOVERNORS

Kenneth Y. Tomlinson, of Virginia, to be Chairman of the Broadcasting Board of Governors.

Kenneth Y. Tomlinson, of Virginia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2007.

DEPARTMENT OF JUSTICE

Steven G. Bradbury, of Maryland, to be an Assistant Attorney General.

DEPARTMENT OF LABOR

Paul DeCamp, of Virginia, to be Administrator of the Wage and Hour Division, Department of Labor.

Richard Stickler, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

Paul DeCamp, of Virginia, to be Administrator of the Wage and Hour Division, Department of Labor, to which position he was appointed during the last recess of the Senate.

DEPARTMENT OF STATE

John Robert Bolton, of Maryland, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations, to which position he was appointed during the recess of the Senate from July 29, 2005, to September 1, 2005.

John Robert Bolton, of Maryland, to be Representative of the United States of America to the sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations, to which position he was appointed during the recess of the Senate from July 29, 2005, to September 1, 2005.

DEPARTMENT OF THE TREASURY

Donald V. Hammond, of Virginia, to be a Member of the Internal Revenue Service

Oversight Board for a term expiring September 21, 2010.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Arlene Holen, of the District of Columbia, to be a Member of the Federal Mine S6201afety and Health Review Commission for a term expiring August 30, 2010.

THE JUDICIARY

Peter D. Keisler, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.

Michael Brunson Wallace, of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

Norman Randy Smith, of Idaho, to be United States Circuit Judge for the Ninth Circuit.

William Gerry Myers III, of Idaho, to be United States Circuit Judge for the Ninth Circuit.

William James Haynes II, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

Terrence W. Boyle, of North Carolina, to be United States Circuit Judge for the Fourth Circuit.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar:

Nos. 830, 897, 922, 923, 928, 929, 930, 931, 932, 933, 934, 935, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948 through 976, 978 through 984, 993 and 994, and all nominations on the Secretary's desk; provided further that the following be immediately discharged from the list of nominations and the Senate proceed en bloc to their consideration:

From the Banking Committee: Bijan Rafiekian, PN–1828; Christopher Padilla, PN–1807.

From the Energy Committee: C. Stephen Allred, PN–1866; Robert Johnson, PN–1830; Mary Bomar, PN–1915.

From the Foreign Relations Committee: Donald Yamamoto, PN–1958; Clyde Bishop, PN–1814; Charles Glaser, PN–1919; Frank Baxter, PN–1998.

From the Homeland Security and Governmental Affairs Committee: Calvin Scovel, PN–1808.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations, considered and confirmed, are as follows:

NOMINATIONS

DEPARTMENT OF DEFENSE

Robert L. Wilkie, of North Carolina, to be an Assistant Secretary of Defense.

DEPARTMENT OF THE INTERIOR

David Longly Bernhardt, of Colorado, to be Solicitor of the Department of the Interior.

DEPARTMENT OF JUSTICE

Rodger A. Heaton, of Illinois, to be United States Attorney for the Central District of Illinois for the term of four years.

DEPARTMENT OF TRANSPORTATION

Mary E. Peters, of Arizona, to be Secretary of Transportation.

MISSISSIPPI RIVER COMMISSION

Brigadier General Bruce Arlan Berwick, United States Army, to be a Member of the Mississippi River Commission.

Colonel Gregg F. Martin, United States Army, to be a Member of the Mississippi River Commission.

Brigadier General Robert Crear, United States Army, to be a Member and President of the Mississippi River Commission.

Rear Admiral Samuel P. De Bow, Jr., NOAA, to be a Member of the Mississippi River Commission.

TENNESSEE VALLEY AUTHORITY

William H. Graves, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2007. (New Position)

DEPARTMENT OF VETERANS AFFAIRS

Robert T. Howard, of Virginia, to be an Assistant Secretary of Veterans Affairs (Information and Technology).

EXECUTIVE OFFICE OF THE PRESIDENT

John K. Veroneau, of Virginia, to be a Deputy United States Trade Representative, with the Rank of Ambassador.

DEPARTMENT OF THE TREASURY

Robert K. Steel, of Connecticut, to be an Under Secretary of the Department of the Treasury.

CORPORATION FOR PUBLIC BROADCASTING

David H. Pryor, of Arkansas, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2008.

Chris Boskin, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2012.

EXECUTIVE OFFICE OF THE PRESIDENT

Sharon Lynn Hays, of Virginia, to be an Associate Director of the Office of Science and Technology Policy.

DEPARTMENT OF COMMERCE

Cynthia A. Glassman, of Virginia, to be Under Secretary of Commerce for Economic Affairs, vice Kathleen B. Cooper, resigned.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Collister Johnson, Jr., of Virginia, to be Administrator of the Saint Lawrence Seaway Development Corporation for a term of seven years.

DEPARTMENT OF DEFENSE

Ronald J. James, of Ohio, to be an Assistant Secretary of the Army.

Nelson M. Ford, of Virginia, to be an Assistant Secretary of the Army, vice Valerie Lynn Baldwin.

Major General Todd I. Stewart, USAF, (Ret.), of Ohio, to be a Member of the National Security Education Board for a term of four years.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

John Edward Mansfield, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2011. (Reappointment)

Larry W. Brown, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2010.

Peter Stanley Winokur, of Maryland, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2009.

IN THE AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Theresa M. Casey, 0000
Col. Byron C. Hepburn, 0000

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. James A. Buntyn, 0000

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Johnny A. Weida, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Loyd S. Utterback, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Stephen G. Wood, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Raymond E. Johns, Jr., 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Robert D. Bishop, Jr., 0000

IN THE ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Joseph Anderson, 0000
Colonel Allison T. Aycock, 0000
Colonel Robert B. Brown, 0000
Colonel Edward C. Cardon, 0000
Colonel Lynn A. Collyar, 0000
Colonel Genaro J. Dellarocco, 0000
Colonel Richard T. Ellis, 0000
Colonel William F. Grimsley, 0000
Colonel Michael T. Harrison, Sr., 0000
Colonel David R. Hogg, 0000
Colonel Reuben D. Jones, 0000
Colonel Stephen R. Lanza, 0000
Colonel Mary A. Legere, 0000
Colonel Michael S. Linnington, 0000
Colonel Xavier P. Lobeto, 0000
Colonel Roger F. Mathews, 0000
Colonel Bradley W. May, 0000
Colonel James C. McConville, 0000
Colonel Phillip E. McGhee, 0000
Colonel John R. McMahon, 0000
Colonel Jennifer L. Napper, 0000
Colonel James C. Nixon, 0000
Colonel Robert D. Ogg, Jr., 0000
Colonel Hector E. Pagan, 0000

Colonel David D. Phillips, 0000
Colonel David E. Quantock, 0000
Colonel Michael S. Repass, 0000
Colonel Benet S. Sacolick, 0000
Colonel Jeffrey G. Smith, Jr., 0000
Colonel Thomas W. Spoehr, 0000
Colonel Kurt J. Stein, 0000
Colonel Frank D. Turner, III, 0000
Colonel Keith C. Walker, 0000
Colonel Perry L. Wiggins, 0000

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Carla G. Hawley-Bowland, 0000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Julia A. Kraus, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Rodney J. Barham, 0000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Michael A. Kuehr, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. Bantz J. Craddock, 0000

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Simeon G. Trombitas, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Robert Wilson, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Stephen J. Hines, 0000

The following named officer for appointment to the grade of general in the Army while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. Dan K. McNeill, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Joseph F. Peterson, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. James D. Thurman, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Peter W. Chiarelli, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Charles C. Campbell, 0000

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Ronald S. Coleman, 0000

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Matthew L. Nathan, 0000

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. William A. Brown, 0000
Capt. Kathleen M. Dussault, 0000
Capt. Steven J. Romano, 0000

The following named officer for appointment in the United states Navy to the grad indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. James G. Stavridis, 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (1h) Thomas R. Cullison, 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Janice M. Hamby, 0000

The following named officer for appointment in the United States Navy to the grade indiated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Steven R. Eastburg, 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be vice admiral

Vice Adm. Anne E. Rondeau, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Mark P. Fitzgerald, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Evan M. Chanik, Jr., 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Michael K. Loose, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Kevin J. Cosgriff, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. John J. Donnelly, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Melvin G. Williams, Jr., 0000

DEPARTMENT OF JUSTICE

Sharon Lynn Potter, of West Virginia, to be United States Attorney for the Northern District of West Virginia for the term of four years.

Deborah Jean Johnson Rhodes, of Alabama, to be United States Attorney for the Southern District of Alabama for the term of four years.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1798 AIR FORCE nominations (47) beginning RAYMOND A. BAILEY, and ending ANDREW D. WOODROW, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2006.

PN1799 AIR FORCE nominations (1212) beginning RICHARD E. AARON, and ending ERIC D. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2006.

PN1879 AIR FORCE nominations (42) beginning GARY J. CONNOR, and ending MICHAEL T. WINGATE, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1908 AIR FORCE nominations (4) beginning GARY J. CONNOR, and ending EFREN E. RECTO, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2006.

PN1909 AIR FORCE nominations (28) beginning DENNIS R. HAYSE, and ending JOHN W. WOLTZ, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2006.

PN1971 AIR FORCE nomination of James J. Gallagher, which was received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1972 AIR FORCE nomination of Norman S. West, which was received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1973 AIR FORCE nomination of David P. Collette, which was received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1974 AIR FORCE nomination of Paul M. Roberts, which was received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1975 AIR FORCE nomination of Lisa D. Mihora, which was received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1976 AIR FORCE nomination of David E. Edwards, which was received by the Senate

and appeared in the Congressional Record of September 7, 2006.

PN1977 AIR FORCE nominations (2) beginning MICHAEL D. BACKMAN, and ending STAN G. COLE, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1978 AIR FORCE nomination of Kevin Brackin, which was received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1979 AIR FORCE nominations (15) beginning AMY K. BACHELOR, and ending ANITA R. WOLFE, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1980 AIR FORCE nominations (14) beginning JOHN G. BULICK JR., and ending DONALD J. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1981 AIR FORCE nominations (444) beginning TIMOTHY A. ADAM, and ending LOUIS V. ZUCCARELLO, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1982 AIR FORCE nominations (78) beginning WADE B. ADAIR, and ending RANDALL WEBB, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1983 AIR FORCE nominations (23) beginning JAMES W. BARBER, and ending STEVEN P. VANDEWALLE, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN2004 AIR FORCE nominations (2) beginning DENNIS R. HAYSE, and ending RODNEY PHOENIX, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 2006.

PN2028 AIR FORCE nomination of Randall J. Reed, which was received by the Senate and appeared in the Congressional Record of September 18, 2006.

PN2060 AIR FORCE nomination of Andrea R. Griffin, which was received by the Senate and appeared in the Congressional Record of September 20, 2006.

PN2061 AIR FORCE nomination of Russell G. Boester, which was received by the Senate and appeared in the Congressional Record of September 20, 2006.

PN2076 AIR FORCE nominations (21) beginning RUSSELL G. BOESTER, and ending VLAD V. STANILA, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2006.

IN THE ARMY

PN1880 ARMY nominations (122) beginning JOSSLYN L. ABERLE, and ending FRANK E. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1881 ARMY nominations (223) beginning TIMOTHY F. ABBOTT, and ending X2566, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1882 ARMY nominations (139) beginning DARRYL K. AHNER, and ending GUY C. YOUNGER, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1883 ARMY nominations (1168) beginning ROBERT L. ABBOTT, and ending X1943, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1934 ARMY nominations (9) beginning NAKEDA L. JACKSON, and ending STEVEN R. TURNER, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1935 ARMY nominations (5) beginning LARRY W. APPLEWHITE, and ending DENNIS H. MOON, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1936 ARMY nomination of Katherine M. Brown, which was received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1937 ARMY nominations (2) beginning JONATHAN E. CHENEY, and ending JAMES S. NEWELL, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1938 ARMY nominations (7) beginning KEVIN P. BUSS, and ending JILL S. VOGEL, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1939 ARMY nomination of John Parsons, which was received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1984 ARMY nominations (3) beginning PAGE S. ALBRO, and ending JANET L. PROSSER, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1985 ARMY nominations (11) beginning MICHAEL C. DOHERTY, and ending NESTOR SOTO, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1986 ARMY nominations (21) beginning HEIDI P. TERRIO, and ending JOHN H. WU, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1987 ARMY nominations (1820) beginning MICHAEL T. ABATE, and ending X3541, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN2005 ARMY nominations (2) beginning JAMES M. CAMP, and ending CATHY E. LEPPIAHO, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 2006.

PN2006 ARMY nominations (6) beginning ROBERT J. ARNELL III, and ending DAVID A. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 2006.

PN2007 ARMY nominations (2) beginning JAMES M. FOGLEMILLER, and ending TIMOTHY E. GOWEN, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 2006.

PN2008 ARMY nomination of Michael L. Jones, which was received by the Senate and appeared in the Congressional Record of September 13, 2006.

PN2009 ARMY nominations (4) beginning NEELAM CHARAIPOTRA, and ending DOUGLAS POSEY, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 2006.

PN2010 ARMY nomination of Sandra E. Roper, which was received by the Senate and appeared in the Congressional Record of September 13, 2006.

PN2011–1 ARMY nominations (15) beginning GARY W. ANDREWS, and ending STEPHEN D. TABLEMAN, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 2006.

PN2012 ARMY nominations (32) beginning JOSEFINA T. GUERRERO, and ending MARY ZACHARIAKURIAN, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 2006.

PN2029 ARMY nomination of Herbert B. Heavnber, which was received by the Senate and appeared in the Congressional Record of September 18, 2006.

PN2030 ARMY nomination of Paul P. Knetsche, which was received by the Senate and appeared in the Congressional Record of September 18, 2006.

PN2031 ARMY nominations (2) beginning CRAIG N. CARTER, and ending MICHAEL E. FISHER, which nominations were received by the Senate and appeared in the Congressional Record of September 18, 2006.

PN2032 ARMY nomination of Louis R. Macareo, which was received by the Senate and appeared in the Congressional Record of September 18, 2006.

PN2033 ARMY nominations (9) beginning DONALD A. BLACK, and ending JOSEPH O. STREFF, which nominations were received by the Senate and appeared in the Congressional Record of September 18, 2006.

PN2034 ARMY nominations (19) beginning CAROL A. BOWEN, and ending PAULA M. B. WOLFERT, which nominations were received by the Senate and appeared in the Congressional Record of September 18, 2006.

PN2035 ARMY nominations (48) beginning DIRETT C. ALFRED, and ending MICHAEL YOUNGBLOOD, which nominations were received by the Senate and appeared in the Congressional Record of September 18, 2006.

PN2036 ARMY nominations (42) beginning KAREN E. ALTMAN, and ending RUTH A. YERARDI, which nominations were received by the Senate and appeared in the Congressional Record of September 18, 2006.

PN2037 ARMY nominations (91) beginning ROBERT D. AKERSON, and ending JEROME WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of September 18, 2006.

IN THE COAST GUARD

PN2053 COAST GUARD nominations (2) beginning PAUL S. SZWED, and ending BRIGID M. PAVILONIS, which nominations were received by the Senate and appeared in the Congressional Record of September 20, 2006.

PN2066 COAST GUARD nominations (14) beginning Margaret A. Blomme, and ending Rickey D. Thomas, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2006.

PN2067 COAST GUARD nominations (81) beginning Meredith L. Austin, and ending Werner A. Winz, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2006.

PN2068 COAST GUARD nominations (157) beginning Joyce E. Aivalotis, and ending Jose M. Zuniga, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2006.

IN THE MARINE CORPS

PN1273–2 MARINE CORPS nomination of DAVID M. REILLY, which was received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1988 MARINE CORPS nomination of Raul Rizzo, which was received by the Senate and appeared in the Congressional Record of September 7, 2006.

IN THE NAVY

PN1884 NAVY nominations (14) beginning TRACY A. BERGEN, and ending DONALD R. WILKINSON, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1885 NAVY nominations (17) beginning MICHAEL N. ABREU, and ending ROBERT K. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1886 NAVY nominations (9) beginning CRISTAL B. CALER, and ending KIMBERLY J. SCHULZ, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1887 NAVY nominations (20) beginning KEVIN L. ACHTERBERG, and ending PETER A. WU, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1888 NAVY nominations (34) beginning SCOTT R. BARRY, and ending JEFFREY C. WOERTZ, which nominations were received by tbe Senate and appeared in tbe Congressional Record of August 1, 2006.

PN1889 NAVY nominations (20) beginning RUTH A. BATES, and ending BRUCE G. WARD, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1890 NAVY nominations (31) beginning DARRYL C. ADAMS, and ending RICHARD WESTHOFF III, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1891 NAVY nominations (63) beginning ALFRED D. ANDERSON, and ending MICHAEL R. YOHNKE, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN1892–1 NAVY nominations (479) beginning HENRY C. ADAMS III, and ending JOHN J. ZUHOWSKI, which nominations were received by the Senate and appeared in the Congressional Record of August 1, 2006.

PN191O NAVY nominations (2) beginning LORI J. CICCI, and ending JOHN M. POAGE, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2006.

PN1940 NAVY nominations (3) beginning RYAN G. BATCHELOR, and ending JASON T. YAUMAN, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1941 NAVY nominations (27) beginning MARC A. ARAGON, and ending ROBERT A. YEE, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1942 NAVY nominations (25) beginning MICHAEL J. BARRIERE, and ending MICHAEL D. WAGNER, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1943 NAVY nominations (35) beginning JOHN A. ANDERSON, and ending JAY A. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1944 NAVY nominations (16) beginning GERARD D. AVILA, and ending EDDI L. WATSON, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1945 NAVY nominations (266) beginning RENE V. ABADESCO, and ending MICHAEL W. F. YAWN, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1946 NAVY nominations (11) beginning AMY L. BLEIDORN, and ending MICAH A. WELTMER, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1947 NAVY nominations (11) beginning COREY B. BARKER, and ending WILLIAM R. URBAN, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1948 NAVY nominations (64) beginning NATHANIEL A. BAILEY, and ending MATTHEW C. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1949 NAVY nominations (45) beginning TRACY L. BLACKHOWELL, and ending SEAN M. WOODSIDE, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1950 NAVY nominations (959) beginning CHARLES J. ACKERKNECHT, and ending JAMES G. ZOULIAS, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2006.

PN1989 NAVY nominations (16) beginning DENNIS K. ANDREWS, and ending RAYMOND M. SUMMERLIN, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1990 NAVY nominations (9) beginning JAMES S. BROWN, and ending WINFRED L. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1991 NAVY nominations (67) beginning LILLIAN A. ABUAN, and ending KEVIN T. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1992 NAVY nominations (178) beginning ANDREAS C. ALFER, and ending ALISON E. YERKEY, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1993 NAVY nominations (27) beginning MICHAEL J. ADAMS, and ending HEATHER A. WATTS, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1994 NAVY nominations (52) beginning EMILY Z. ALLEN, and ending JOSEPH W. YATES, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1995 NAVY nominations (133) beginning KAREN L. ALEXANDER, and ending JOHN W. ZUMWALT, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1996 NAVY nominations (224) beginning ALEXANDER T. ABESS, and ending LAURETTA A. ZIAJKO, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN1997 NAVY nominations (33) beginning CHAD E. BETZ, and ending TRACIE M. ZIELINSKI, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2006.

PN2013 NAVY nominations (19) beginning WANG S. OHM, and ending VIKTORIA J. ROLFF, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 2006.

PN2077 NAVY nominations (2) beginning ILIN CHUANG, and ending WILLIAM P. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2006.

EXPORT-IMPORT BANK

Bijan Rafiekian, of California, to be a Member of the Board of Directors of the Export-Import Bank of the United States for the remainder of the term expiring January 20, 2007.

DEPARTMENT OF COMMERCE

Christopher A. Padilla, of the District of Columbia, to be an Assistant Secretary of Commerce.

DEPARTMENT OF THE INTERIOR

C. Stephen Allred, of Idaho, to be an Assistant Secretary of the Interior.

Robert W. Johnson, of Nevada, to be Commissioner of Reclamation.

Mary Amelia Bomar, of Pennsylvania, to be Director of the National Park Service.

DEPARTMENT OF STATE

Donald Y. Yamamoto, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Democratic Republic of Ethiopia.

Clyde Bishop, of Delaware, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Marshall Islands.

Charles L. Glazer, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

Frank Baxter, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Oriental Republic of Uruguay.

DEPARTMENT OF TRANSPORTATION

Ordered, That the following nomination be referred sequentially to the Committee on Homeland Security and Governmental Affairs pursuant to an order of January 20, 2005 for 20 calendar days:

Calvin L. Scovel, of Virginia, to be Inspector General, Department of Transportation.

TREATIES

Mr. FRIST. Mr. President, I ask unanimous consent that in executive session, the Senate consider the following treaties on today's Executive Calendar: Nos. 19 and 20.

I further ask that the treaties be considered as having passed through the various parliamentary stages up to and including the presentation of the resolutions of ratification; that any committee conditions, declarations, or reservations be agreed to as applicable; that any statements be printed in the CONGRESSIONAL RECORD as if read; and that the Senate take one vote on the resolutions of ratification to be considered as separate votes; further, that when the resolutions of ratification are voted upon, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following the disposition of the treaties, the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The treaties will be considered to have passed through their various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will state.

The legislative clerk read as follows:

Protocal additional to the Geneva Conventions of 12 August 1949, and relating to the adoption of an additional Distinctive Emblem (Treaty Document 109–10(A))

Extradition Treaty with United Kingdom (Treaty Document 108–23)

Mr. FRIST. Mr. President, I ask for a division on the resolutions of ratification.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of these treaties, please rise.

Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification are as follows:

PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949, AND RELATING TO THE ADOPTION OF AN ADDITIONAL DISTINCTIVE EMBLEM (TREATY DOC. 109–10(A))

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advises

and consents to the ratification of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem, adopted at Geneva on December 8, 2005, and signed by the United States on that date (Treaty Doc. 109–10A).

EXTRADITION TREATY WITH UNITED KINGDOM (TREATY DOC. 108–23)

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Understanding, Declarations, and Provisos

The Senate advises and consents to the ratification of the Extradition Treaty between the United States of America and the United Kingdom of Great Britain and Northern Ireland, and related exchanges of letters, signed at Washington on March 31, 2003 (hereinafter in this resolution referred to as the ''Treaty'') (Treaty Doc. 108–23), subject to the understanding in section 2, the declarations in section 3, and the provisos in section 4.

Section 2. Understanding

The advice and consent of the Senate under section 1 is subject to the following understanding:

Under United States law, a United States judge makes a certification of extraditability of a fugitive to the Secretary of State. In the process of making such certification, a United States judge also makes determinations regarding the application of the political offense exception. Accordingly, the United States of America understands that the statement in paragraphs 3 and 4 of Article 4 that ''in the United States, the executive branch is the competent authority for the purposes of this Article'' applies only to those specific paragraphs of Article 4, and does not alter or affect the role of the United States judiciary in making certifications of extraditability or determinations of the application of the political offense exception.

Section 3. Declarations

The advice and consent of the Senate under section 1 is subject to the following declarations:

(1) Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States.

(2) The Treaty shall be implemented by the United States in accordance with the Constitution of the United States and relevant federal law, including the requirement of a judicial determination of extraditability that is set forth in Title 18 of the United States Code.

Section 4. Provisos

The advice and consent of the Senate under section 1 is subject to the following provisos:

(1)(A) The Senate is aware that concerns have been expressed that the purpose of the Treaty is to seek the extradition of individuals involved in offenses relating to the conflict in Northern Ireland prior to the Belfast Agreement of April 10, 1998. The Senate understands that the purpose of the Treaty is to strengthen law enforcement cooperation between the United States and the United Kingdom by modernizing the extradition process for all serious offenses and that the Treaty is not intended to reopen issues addressed in the Belfast Agreement, or to impede any further efforts to resolve the conflict in Northern Ireland.

(B) Accordingly, the Senate notes with approval—

(i) the statement of the United Kingdom Secretary of State for Northern Ireland, made on September 29, 2000, that the United Kingdom does not intend to seek the extradition of individuals who appear to qualify for early release under the Belfast Agreement;

(ii) the letter from the United Kingdom Home Secretary to the United States Attorney General in March 2006, emphasizing that the ''new treaty does not change this position in any way,'' and making clear that the United Kingdom ''want[s] to address the anomalous position of those suspected but not yet convicted of terrorism-related offences committed before the Belfast Agreement''; and

(iii) that these policies were reconfirmed in an exchange of letters between the United Kingdom Secretary of State for Northern Ireland and the United States Attorney General in September 2006.

(2) The Senate notes that, as in other recent United States extradition treaties, the Treaty does not address the situation where the fugitive is sought for trial on an offense for which he had previously been acquitted in the Requesting State. The Senate further notes that a United Kingdom domestic law may allow for the retrial in the United Kingdom, in certain limited circumstances, of an individual who has previously been tried and acquitted in that country. In this regard, the Senate understands that under U.S. law and practice a person sought for extradition can present a claim to the Secretary of State that an aspect of foreign law that may permit retrial may result in an unfairness that the Secretary could conclude warrants denial of the extradition request. The Senate urges the Secretary of State to review carefully any such claims made involving a request for extradition that implicates this provision of United Kingdom domestic law.

(3) Not later than one year after entry into force of the Treaty, and annually thereafter for a period of four additional years, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate a report setting forth the following information with respect to the implementation of the Treaty in the previous twelve months:

(A) the number of persons arrested in the United States pursuant to requests from the United Kingdom under the Treaty, including the number of persons subject to provisional arrest; and a summary description of the alleged conduct for which the United Kingdom is seeking extradition;

(B) the number of extradition requests granted; and the number of extradition requests denied, including whether the request was denied as a result of a judicial decision or a decision of the Secretary of State;

(C) the number of instances the person sought for extradition made a claim to the Secretary of State of political motivation, unjustifiable delay, or retrial after acquittal and whether such extradition requests were denied or granted; and

(D) the number of instances the Secretary granted a request under Article 18(1)(c).

LEGISLATIVE SESSION

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

MEASURES READ FIRST TIME—S. 3994 and S. 4041

Mr. FRIST. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will state the bills by title.

The legislative clerk read as follows:

A bill (S. 3994) to extend the Iran and Libya Sanctions Act of 1996.

A bill (S. 4041) to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes.

Mr. FRIST. Mr. President, I ask for their second reading and, in order to place the bills on the calendar under the provision of rule XIV, I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The two bills will be read the second time on the next legislative day.

MEASURES PLACED ON THE CALENDAR—S. 3982, S. 3983, S. 3992, and S. 3993

Mr. FRIST. Mr. President, I understand there are four bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will report the bills by title for a second time.

The legislative clerk read as follows:

A bill (S. 3982) to amend the Public Health Service Act to provide assured compensation for first responders injured by experimental vaccines and drugs.

A bill (S. 3983) to amend the Public Health Service Act to provide assured compensation for first responders injured by experimental vaccines and drugs and to indemnify manufacturers and health care professionals for the administration of medical products needed for biodefense.

A bill (S. 3992) to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the definition of manipulation with respect to currency, and for other purposes.

A bill (S. 3993) to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes.

Mr. FRIST. Mr. President, in order to place the bills on the calendar under the provisions of rule XIV, I object to further proceedings en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be placed on the calendar under the provisions of rule XIV.

AUTHORITY TO SIGN DULY ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. FRIST. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader and the senior Senator from New Mexico be authorized to sign duly enrolled bills or joint resolutions.

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

AUTHORITY TO MAKE APPOINTMENTS

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by

concurrent action of the two Houses, or by order of the Senate.

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

AUTHORITY FOR COMMITTEES TO REPORT

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, committees be authorized to report legislative and executive matters on Wednesday, October 25, from 10 a.m. to 12 noon.

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

REMOVAL OF INJUNCTION OF SECRECY

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on September 29, 2006, by the President of the United States:

Extradition Treaty with Latvia, Treaty Document No. 109–15;

Extradition Treaty with Estonia, Treaty Document No. 109–16;

Extradition Treaty with Malta, Treaty Document No. 109–17;

Protocol Amending Tax Convention with Finland, Treaty Document No. 109–18;

Protocol Amending Tax Convention with Denmark, Treaty Document No. 109–14;

And Protocol Amending Tax Convention with Germany, Treaty Document No. 109–20.

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the United States of America and the Government of the Republic of Latvia, signed on December 7, 2005, at Riga. I also transmit, for the information of the Senate, the report of the Department of State with respect to the treaty.

The new extradition treaty with Latvia would replace the outdated extradition treaty between the United States and Latvia, signed on October 16, 1923, at Riga, and the Supplementary Extradition Treaty, signed on October 10, 1934, at Washington. The treaty also fulfills the requirement for a bilateral instrument between the United States and each European Union (EU) Member State in order to implement the Extradition Agreement between the United States and the EU. Two other comprehensive new extradition treaties with EU Member States—Estonia and Malta—likewise also serve as the requisite bilateral instruments pursuant to the U.S.-EU Agreement, and therefore also are being submitted separately and individually.

The treaty follows generally the form and content of other extradition treaties recently concluded by the United States. It would replace an outmoded list of extraditable offenses with a modern ''dual criminality'' approach, which would enable extradition for such offenses as money laundering and other newer offenses not appearing on the list. The treaty also contains a modernized ''political offense'' clause. It further provides that extradition shall not be refused based on the nationality of the person sought; in the past, Latvia has declined to extradite its nationals to the United States. A national who has been convicted in the courts of the other Party may request to be allowed to serve the resulting sentence in his state of nationality. Finally, the new treaty incorporates a series of procedural improvements to streamline and speed the extradition process.

I recommend that the Senate give early and favorable consideration to the treaty.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 29, 2006*.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the United States of America and the Government of the Republic of Estonia, signed on February 8, 2006, at Tallinn. I also transmit, for the information the Senate, the report of the Department of State with respect to the treaty.

The new extradition treaty with Estonia would replace the outdated extradition treaty between the United States and Estonia, signed on November 8, 1923, at Tallinn, and the Supplementary Extradition Treaty, signed on October 10, 1934, at Washington. The treaty also fulfills the requirement for a bilateral instrument between the United States and each European Union (EU) Member State in order to implement the Extradition Agreement between the United States and the EU. Two other comprehensive new extradition treaties with EU Member States—Latvia and Malta—likewise also serve as the requisite bilateral instruments pursuant to the U.S.-EU Agreement, and therefore also are being submitted separately and individually.

The treaty follows generally the form and content of other extradition treaties recently concluded by the United States. It would replace an outmoded list of extraditable offenses with a modern ''dual criminality'' approach, which would enable extradition for such offenses as money laundering and other newer offenses not appearing on the list. The treaty also contains a modernized ''political offense'' clause. It further provides that extradition shall not be refused based on the nationality of the person sought; in the past, Estonia has declined to extradite its nationals to the United States. Finally, the new treaty incorporates a series of procedural improvements to streamline and speed the extradition process.

I recommend that the Senate give early and favorable consideration to the treaty.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 29, 2006*.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the United States of America and the Government of Malta, signed on May 18, 2006, at Valletta, that includes an exchange of letters that is an integral part of the treaty. I also transmit, for the information of the Senate, the report of the Department of State with respect to the treaty.

The new extradition treaty with Malta would replace the outdated extradition treaty between the United States and Great Britain, signed on December 22, 1931, at London, and made applicable to Malta on June 24, 1935. The treaty also fulfills the requirement for a bilateral instrument between the United States and each European Union (EU) Member State in order to implement the Extradition Agreement between the United States and the EU. Two other comprehensive new extradition treaties with EU Member States—Estonia and Latvia—likewise also serve as the requisite bilateral instruments pursuant to the U.S.-EU Agreement, and therefore also are being submitted separately and individually.

The treaty follows generally the form and content of other extradition treaties recently concluded by the United States. It would replace an outmoded list of extraditable offenses with a modern ''dual criminality'' approach, which would enable extradition for such offenses as money laundering and other newer offenses not appearing on the list. The treaty also contains a modernized ''political offense'' clause. It further provides that extradition shall not be refused based on the nationality of a person sought for any of a comprehensive list of serious offenses; in the past, Malta has declined to extradite its nationals to the United States. Finally, the new treaty incorporates a series of procedural improvements to streamline and speed the extradition process.

I recommend that the Senate give early and favorable consideration to the treaty.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 29, 2006*.

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, a Protocol Amending the Convention Between the Government of the United States of America and the Government of the Republic of Finland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital, signed at Helsinki May 31, 2006 (the ''Protocol''). Also transmitted for the information of the Senate is the report of the Department of State with respect to the Protocol.

The Protocol eliminates the withholding tax on certain cross-border dividend payments. Like a number of recent U.S. tax agreements, the proposed Protocol provides for the elimination of the withholding tax on dividends arising from certain direct investments and cross-border dividend payments to pension funds. The Protocol also eliminates the withholding tax on cross-border royalty payments. In addition, the protocol modernizes the Convention to bring it into closer conformity with current U.S. tax-treaty policy, including strengthening the treaty's provisions preventing so-called treaty shopping.

I recommend that the Senate give early and favorable consideration to the Protocol and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 29, 2006*.

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, a Protocol Amending the Convention Between the Government of the United States of America and the Government of the Kingdom of Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Copenhagen May 2, 2006 (the ''Protocol''). A related exchange of notes is enclosed for the information of the Senate. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Protocol.

The Protocol eliminates the withholding tax on certain cross-border dividend payments. Like a number of recent U.S. tax agreements, the proposed Protocol provides for the elimination of the withholding tax on dividends arising from certain direct investments and cross-border dividend payments to pension funds. In addition, the Protocol modernizes the Convention to bring it into closer conformity with current U.S. tax-treaty policy, including strengthening the treaty's provisions preventing so-called treaty shopping.

I recommend that the Senate give early and favorable consideration to the Protocol and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 29, 2006*.

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, a Protocol Amending the Convention Between the United States of America and the Federal Republic of Germany for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital and to Certain Other Taxes, Signed on August 29, 1989, signed at Berlin June 1, 2006 (the ''Protocol''), along with a related Joint Declaration. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Protocol.

The Protocol eliminates the withholding tax on certain cross-border dividend payments. Like a number of recent U.S. tax agreements, the proposed Protocol provides for the elimination of the withholding tax on dividends arising from certain direct investments and cross-border dividend payments to pension funds. The Protocol also provides for mandatory arbitration of certain cases before the competent authorities. This provision is the first of its kind in a U.S. tax treaty. In addition, the Protocol also modernizes the Convention to bring it into closer conformity with current U.S. tax-treaty policy, including strengthening the treaty's provisions preventing so-called treaty shopping.

I recommend that the Senate give early and favorable consideration to the Protocol, along with the Joint Declaration and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 29, 2006*.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senators to the Senate Delegation to the NATO Parliamentary Assembly in Quebec City, Quebec, Canada, during the 109th Congress: the Honorable PATRICK LEAHY of Vermont and the Honorable BARBARA MIKULSKI of Maryland.

The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senators to the Senate Delegation to the NATO Parliamentary Assembly in Quebec City, Quebec, Canada, during the 109th Congress: the Honorable CHARLES GRASSLEY of Iowa; the Honorable WAYNE ALLARD of Colorado; the Honorable MIKE ENZI of Wyoming; the Honorable JIM BUNNING of Kentucky; the Honorable GEORGE VOINOVICH of Ohio; and the Honorable NORM COLEMAN of Minnesota.

CLARIFYING TREATMENT OF CERTAIN CHARITABLE CONTRIBUTIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4404, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4044) to clarify the treatment of certain charitable contributions under title 11, United States Code.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The bill (S. 4404) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4044

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 ''Religious Liberty and Charitable Donation Clarification Act of 2006''.

SEC. 2. TREATMENT OF CERTAIN CONTRIBUTIONS IN BANKRUPTCY.

Section 1325(b)(3) of title 11, United States Code, is amended by inserting '', other than subparagraph (A)(ii) of paragraph (2),'' after ''paragraph (2)''.

FINANCIAL NETTING IMPROVEMENTS ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5585, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5585) to improve the netting process for financial contracts, and for other purposes.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 5114) was agreed to, as follows:

(Purpose: To strike a provision relating to compensation of trustees and filing fees)

Strike section 7 (relating to compensation of chapter 7 trustees; chapter 7 filing fees).

In section 8 (relating to scope of application), strike the section heading and all that follows through ''the amendments made'' and insert the following:

''SEC. 7. SCOPE OF APPLICATION.

''The amendments made''.

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 5585), as amended, was read the third time, and passed.

HOLDING CURRENT REGIME IN IRAN ACCOUNTABLE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of H.R. 6198, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6198) to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 6198) was ordered to a third reading, was read the third time, and passed.

THIRD HIGHER EDUCATION EXTENSION ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6138, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6138) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 6138) was ordered to a third reading, was read the third time, and passed.

TO EXTEND THE WAIVER AUTHORITY FOR THE SECRETARY OF EDUCATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6106, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6106) to extend the waiver authority for the Secretary of Education under title IV, section 105, Public Law 109–148.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. FRIST. I ask unanimous consent that the bill be read the third time and passed, a motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 6106) was ordered to a third reading, was read the third time, and passed.

OLDER AMERICANS ACT AMENDMENTS OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6197 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6197) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the bill.

FUNDS DISTRIBUTION

Mr. ENZI. Mr. President, today I would like to talk about a very important piece of legislation sent over by the House of Representatives to the Senate last night. The Older Americans Act Amendments of 2006 will reauthorize the vital programs to assist the quickly growing elder population. During the reauthorization it became apparent that the elderly population is growing more quickly in certain areas than others. This was highlighted in newspaper articles this week and has been a key issue for my colleague from North Carolina.

In light of this, I propose that the Committee on Health, Education, Labor and Pensions hold hearings during the coming Congress to review formulas for federal programs and how those formulas are developed to determine the fair and equitable distribution of funds. The committee will focus its attention on how funds must follow the people and the need. In other words, how do we make sure that federal monies are going to the areas of greatest need which are in many instances the fast growing areas of our country and how do we eliminate inequities in funding that exist under current formulas and which in many instances disadvantage high-growth states. Finally, I propose that the committee begin its reauthorization of the Older Americans Act no later than 3 years after the passage of this bill.

Mr. BURR. Mr. President, I thank the chairman of the HELP Committee and strongly support his proposals to focus the attention of the committee on how formulas for federal programs, like the Older Americans Act, are developed. The money should follow the people and their need. With respect to the Older Americans Act, I represent the seventh fastest growing state in the Nation and among that growing population is a quickly growing elderly population. The funds from this act are vital to supporting the services and infrastructure to assist North Carolina to serve our elderly population today and in the future. I also thank the chairman for addressing the next reauthorization within the 3 years after we pass this bill before us.

Mr. ENZI. I would like to thank my colleague from North Carolina for his support of our bill. He was very important in the drafting of this legislation. I urge my colleagues to support us in this important legislation for our growing elderly population and to work with Senator BURR and me, in the coming Congress, to ensure that federal funds follow the need and their intended recipients.

Mr. President, I rise today in support of the passage of the Older Americans Act Amendments of 2006. I am pleased at the support that this bill has received in the Senate and in the House. I especially want to thank Senator KENNEDY, the ranking member of the Committee on Health, Education, Labor, and Pensions. In particular, I thank Senator DEWINE, the chairman of the Subcommittee on Retirement Security and Aging. Senator DEWINE provided immeasurable leadership in the passage of these amendments, as did Senator MIKULSKI, the subcommittee ranking member. In addition, I thank the members of the House Committee on Education and the Workforce for their diligence in moving forward with this legislation: Representative BUCK MCKEON, Chairman; Representative GEORGE MILLER, ranking member; Representative PATRICK J. TIBERI, chairman of the Subcommittee on Select Education; and Representative RUBÉN HINOJOSA, subcommittee ranking member.

The Older Americans Act Amendments of 2006 is the primary source for the delivery of social and nutrition services for older individuals. Enacted in 1965, the act's programs include supportive services, congregate and home-delivered nutrition services, community service employment, the long-term care ombudsman program, and services to prevent the abuse, neglect and exploitation of older individuals. The act also provides grants to Native Americans and research, training, and demonstration activities.

Title I of the Older Americans Act sets broad social policy objectives to improve the lives of all older Americans. It recognizes the need for an adequate income in retirement, and the importance of physical and mental health, employment in community services for older individuals and long-term care services.

Title II establishes the Administration on Aging, AOA, within the Department of Health and Human Services to be fhe primary Federal advocate for older individuals and to administer the provision of the Older Americans Act. It also establishes the National Eldercare Locator Service to provide nationwide information with regard to resources for older individuals; the National Long-term Care Ombudsman Resource Center; the National Center on Elder Abuse; the National Aging Information Center; and the Pension Counseling and Information Program. The

2006 amendments authorize the designation of a person to have responsibility for elder abuse prevention to develop a long-term plan and national response to elder abuse prevention, detection, treatment, and intervention. It also authorizes the Assistant Secretary to designate an individual to be responsible for administration of mental health services and authorizes Aging and Disability Resource Centers. Further, the 2006 Amendments strengthen the leadership of the Department of Health and Human Services through an interagency coordinating committee to guide policy and program development across the Federal Government with respect to aging and demographic changes.

Title III authorizes grants to fund 655 area agencies on aging and more than 29,000 service providers nationwide. Title III services are targeted to those with the greatest economic and social need, particularly low-income minority persons and older individuals residing in rural communities. The 2006 amendments will authorize organizations with experience in providing volunteer opportunities for older individuals to be eligible to enter cooperative arrangements; require state agencies to promote the development and implementation of state systems that enable older individuals to receive long-term care and community-based settings in accordance with needs and preferences; encourage both States and area agencies on aging to plan for population changes; improve access to supportive services that help foster independence; require nutrition projects to prepare meals that comply with the most recent Dietary Guidelines; and reauthorize the National Family Caregiver Support Program.

Title IV supports a wide range of ongoing research and demonstration activities that will enhance innovation, identify best practices and provide technical assistance for older individuals. The 2006 Amendments will permit competitive grants for planning activities that will benefit the aging population; assessment of technology-based models to aid in remote health monitoring systems, communication devices and assistive technologies. Further, it includes Hispanic serving institutions among those eligible to compete for grants to provide education and training in the field of aging; reauthorizes grants to improve transportation services for older individuals; ensures increased awareness of mental health disorders among older individuals; and authorizes development of innovative models of service delivery to ensure older individuals may age in place, as they are able and as they choose.

Title V authorizes the community service employment program for older Americans—known as the Senior Community Service Employment, or SCSEP—to promote part-time opportunities in community service for unemployed, low-income persons who are 55 years or older and who have poor employment prospects. It is administered by the Department of Labor. This program represents approximately one-quarter of Older Americans Act funds—$432 million out of $1.78 billion in fiscal year 2006. This program is operated by States and national grantees awarded competitive grants and supported 61,050 jobs and served approximately 91,500 individuals in fiscal year 2005. The 2006 amendments establish 4-year grant cycles for the competitive program and prohibit poor performing grantees from competing during the next grant cycle. It expends participation for eligible individuals who are underemployed and establishes a 48-month time limit for participation in the program with a waiver for particularly hard-to-serve individuals. It establishes an overall grantee average participation cap of up to 27 months and authorizes a waiver of up to 36 months.

Title VI provides funds for supportive and nutrition services for older Native Americans. The 2006 amendments will provide increase the Native American caregiver support program through 2011. Also, Title VII authorizes programs for the long-term care ombudsman, elder abuse, neglect and exploitation prevention, legal service developers and vulnerable Native American elder rights. The 2006 amendments will enhance the elder abuse prevention activities by awarding grants to States and Indian tribes to enable them to strengthen long-term care and provide assistance for elder justice and elder abuse prevention programs. It will create grants for prevention, detection, assessment, treatment of, intervention in, investigation of, and response to elder abuse; safe havens demonstrations for older individuals; volunteer programs; multidisciplinary activities; elder fatality and serious injury review teams; programs for underserved populations; incentives for longterm care facilities to train and retain employees; and other collaborative and innovative approaches.

Finally, the National Resource Center for Women and Retirement is a highly successful program run by the Women's Institute for a Secure Retirement''—WISER—a nonprofit organization dedicated to ensuring the security of women's retirement income through outreach, partnerships, and policy development. We know that many older Americans lack financial knowledge, and that financial education is needed. This program provides a helpful service and should continue to be funded so as to expand its various programs for older Americans, including financial literacy.

The proportion of the population aged 60 and over will increase dramatically over the next 30 years as more than 78 million baby boomers approach, or have already reached, retirement. It is essential that in the coming years Congress and the Federal Government take a leadership role in assisting the States in addressing the needs of older Americans. The bill we offer today will ensure that our Nation's older Americans are healthy, fed, housed, able to get where they need to go and safe from abuse and scams. The number one resolution of the 2005 White House Conference on Aging called upon Congress to reauthorize the Older Americans Act during the 109th Congress. I am pleased that the Senate and the House are accomplishing this goal on behalf of one of our Nation's greatest resources—our older Americans.

Before closing, I want to thank certain staff of the committee for their hard work and long hours in making this reauthorization a reality. I would especially like to thank the following staff members: Katherine McGuire, Ilyse Schuman, Greg Dean, Lindsay Morris, Karla Carpenter, Kori Forster, Lauren Fuller, Michelle Dirst, Brittany Moore and Will Green. Also, I would like to thank the many others who have supported this effort, including Carol O'Shaughnessy and Richard Rimkunas of the Congressional Research Service, and most notably the work of Liz King in the Senate's Office of Legislative Counsel in supporting the drafting of this legislation. Also, I thank the work of the many staff on the other side of the aisle for their contributions toward passage of the bill.

I urge my colleagues to support this legislation in light of the growing needs of our population to ensure that the services they need in the coming years are available to them.

OLDER AMERICANS ACT AMENDMENTS OF 2006

Mr. KENNEDY. Mr. President, I commend Chairman ENZI, Senator DEWINE, Senator MIKULSKI, Chairman MCKEON, Representative TIBERI, Representative MILLER, and Representative HINOJOSA for their bipartisan leadership in reauthorization the Older Americans Act. It's been a lifeline for senior citizens across the country for 40 years, and all of us want it to continue to fullfill its important mission in the years ahead.

Like Social Security, Medicare and Medicaid, the Older Americans Act is part of our commitment to care for the Nation's seniors in their golden years.

Last year, 1,200 bi-partisan delegates were chosen by the Governors of all 50 states, the District of Columbia and the Territories to attend the first White House Conference on Aging since 1985. Over the years these conferences have served as catalysts for change, and this conference was no different. The delegates called for reauthorization of the Older Americans Act as their No. 1 priority and I'm pleased that Congress has answered their call.

As we all know, the baby boomer generation is retiring. One in nine Americans are over age 65 today, but by the year 2030, the number will be one in five.

Our authorization bill is designed to take some of the necessary steps to put the infrastructure in place to provide

services that will be needed by those retirees. It requires State and local agencies to acknowledge the dramatically changing demographics and to plan ahead. I hope Congress will continue to build on these efforts in coming years and provide increased funds for the important programs in this Act.

The Conference on Aging also focused on another important theme—the importance of civic engagement and community service by senior citizens.

Members of the new generation of older Americans obviously want to continue to be engaged in their communities after they retire, and it would make no sense for our society not to draw on their experience and knowledge in constructive ways.

The Older Americans Act already provides opportunities for employment of older Americans through the Senior Community Service Employment Program. According to a study by the Center for Labor Market Studies at Northeastern University, the number of older persons aged 55 to 74 with income below 125 percent of poverty will increase from 6 million in 2005 to over 8 million in 2015. Our bill strengthens job training for seniors to involve them in the communities they love, and which also love them. Last year, the program supported 61,000 jobs and served 92,000 people.

Older Americans today provide 45 million hours of valuable service to their communities, particularly in senior centers, public libraries, and nutrition programs.

The bill is also intended to encourage good nutrition, healthy living, and disease prevention among seniors. The Meals on Wheels program, enacted in the 1970's, is one of its greatest successes, and Massachusetts has been in the forefront of efforts to provide community-based nutrition services to the elderly. The Massachusetts program coordinates twenty-eight nutrition projects throughout the State to deal with poor nutrition and social isolation of seniors. Our bill will expand the ability of programs such as Meals on Wheels to reach all older individuals who need better nutrition.

Today it's estimated that 47 percent of the elderly eligible for Supplemental Security Income, 70 percent of seniors eligible for food stamps, 67 percent of people eligible for Qualified Medicare Beneficiary protections, and 87 percent of those eligible for Specified Low-Income Medicare Beneficiary protections are not participating in these programs. Surely, we can do a better job of outreach to bring these programs to the attention of those who need them. Our bill addresses the need for better outreach to seniors about the healthcare, mental health services, and long-term care benefits available to them.

I also commend all of the staff members who have worked so hard to bring this bill to final passage today, especially Ellen-Marie Whelan and Keysha Brooks-Coley in Senator MIKULSKI's office, Lauren Fuller and Kori Forster in Senator Enzi's office, and Lindsay Morris and Karla Carpenter in Senator DEWINE's office.

This bill will mean better health and more fulfilling lives for both seniors and their communities in the years ahead, and I strongly support its passage.

Mr. HATCH. Mr. President, I rise in support of legislation to reauthorize the Older Americans Act.

I strongly support this bill and want to acknowledge the hard work of the chairman of the Senate Health, Education, Labor and Pension, HELP, Committee, Senator MIKE ENZI, and the committee's ranking minority member, Senator TED KENNEDY.

In addition, I want to thank Senator MIKE DEWINE, the chairman of the Retirement Security and Aging Subcommittee and its ranking minority member, Senator BARBARA MIKULSKI. All four of my colleagues and their wonderful staffs, Lauren Fuller, Kori Forster, Lindsay Morris, Kara Marchione, Ellen-Marie Whelan, and Keysha Brooks-Coley did a tremendous job in producing a good bill that will make a difference in the lives of older Americans across the nation.

Yesterday, this legislation passed the House of Representatives unanimously and it is my hope that the Senate will follow suit.

This legislation improves the functions of the Administration on Aging, provides grants for State and community programs on aging, and creates training and research programs to assist seniors in maintaining their independence. In addition, the conference report includes job training for seniors through the community service employment program and grants for supportive and nutrition programs for older Native Americans.

There are two provisions of this measure that I would like to highlight.

First, the conference report includes provisions from legislation that I introduced earlier this Congress with my colleague, Senator BLANCHE LINCOLN of Arkansas, S. 2010, the Elder Justice Act.

More specifically, this legislation includes a provision which authorizes the Assistant Secretary on Aging to designate an individual to be responsible for elder abuse and prevention services, and to coordinate Federal elder justice activities. This includes developing a long-term plan for the creation and implementation of a coordinated, multidisciplinary elder justice system.

I am so proud to have provisions from the Elder Justice Act included in this legislation. With over 77 million baby boomers retiring in the next three decades, we have no choice but to acknowledge something must be done to combat elder abuse. Passage of this bill is an important step in the right direction.

I also am pleased that this legislation includes a sense of the Congress recognizing the contribution of nutrition to the health of older Americans. This sense of the Congress states that while diet is the preferred source of nutrition, evidence suggests that the use of a single daily multivitamin-mineral supplement may be an effective way to address nutritional gaps that exist among the elderly population, especially the poor. I strongly believe that by encouraging seniors to take daily multivitamin-mineral supplements, we are only helping them to live longer, healthier lives and I am hopeful that senior meals programs will decide to provide supplements to those who participate.

There is a long history of evidence indicating that multivitamins and minerals can maintain and improve health and are safe. While I wish this provision had been more than a sense of the Congress, I appreciate the work of the conferees to highlight the necessity of good nutrition and supplementation.

Once again, I want to congratulate my colleagues on a job well done. Older Americans across the country appreciate your efforts.

Mr. SARBANES. Mr. President, I rise today in strong support of the reauthorization of the Older Americans Act. I commend Chairman ENZI and Ranking Member KENNEDY of the Committee on Health, Labor, and Pensions for their hard work in putting this bill together and working through the differences with the House prior to today's floor action so that this important legislation can go straight to the President's desk and be signed into law.

There are many important provisions aimed at improving the lives of our senior citizens contained in the Older Americans Act. Today, however, there is one part of the bill to which I want to draw particular attention: Section 203 of the act establishes an Interagency Coordinating Committee that will help the Federal Government work with its partners to meet the growing housing, health care, transportation, and related needs of senior citizens around the country. The Interagency Coordinating Committee will work to better coordinate Federal agencies so that seniors and their families can access the programs and services necessary to allow them to age in place or find suitable housing alternatives. This section draws heavily from S. 705, the Meeting the Housing and Service Needs of Seniors Act, which I introduced in April 2005. S.705 was passed by the Senate unanimously on November 15, 2005.

As I said when the legislation first passed, the challenges that confront us as our population ages are growing more urgent. Data from the 2000 census show that the U.S. population over 65 years of age was 34.7 million. This number is expected to grow to over 50 million by 2020. It is projected that by 2030 nearly 20 percent of our population will be over 65; that is, almost one American in every five will be elderly.

As our senior population continues to increase, so will the demand for affordable housing and service options. This is a matter of concern not only for those who will need the services but for families—children along with spouses. It concerns communities all around the country, as productive and responsible citizens grow older and need help. It is a matter of deep concern for us all because it will affect the well-being of our entire society.

Many of us know, both from academic studies and our own experience with elderly parents or friends, that helping a senior citizen to remain in her home or in her community for as long as possible promotes a better quality of life. In order to help seniors age in place or find suitable alternative housing arrangements, services must be linked with that housing. Seniors must be able to access needed health supports, transportation, meal and chore services, and assistance with daily tasks in or close to their homes. Without needed supports, seniors and their families face difficult and even daunting decisions.

The Commission on Affordable Housing and Health Facility Needs for Seniors, known as the Seniors Commission, established by Congress in 1999, found that too often, seniors face premature institutionalization because housing and services are not linked. This results in more expensive care for the person, increased social isolation, and a lower quality of life. According to the Commission's report, ''the very heart'' of its work ''is the recognition that the housing and service needs of seniors traditionally have been addressed in different 'worlds' that often fail to recognize or communicate with each other.'' The Commission concluded that: ''the most striking characteristic of seniors' housing and health care in this country is the disconnection of one field from another.'' The creation of the Interagency Coordinating Committee will ensure that this important conversation gets started.

If left unattended, the problem of lack of coordination will increasingly undermine all of our efforts to assure that Americans have access to the services they need as they age. The Interagency Coordinating Committee established by this legislation will increase communication and coordination among Federal agencies while reducing duplication. The committee will also serve as a permanent national platform to address the needs and issues of our aging population.

The Interagency Coordinating Committee will further help to improve collaboration and coordination among the Federal agencies and our State and local partners to ensure that seniors are better able to access housing and services. This committee will work to find new ways to link housing programs and needed supportive services to increase their efficiency, to make them more accessible, and to strengthen their capacity.

The decisions that our seniors and their families must make are difficult enough. They should not be made more painful and burdensome by having to negotiate a confusing maze of programs and services and a multiplicity of administrative procedures. I am hopeful that the Coordinating Committee will be able to focus attention on this problem and cut through the barriers that Americans face to utilizing the programs we have provided for them.

The two members of the Interagency Coordinating Committee specifically named in the legislation are the Secretaries of Health and Human Services, HHS, and Housing and Urban Development, HUD. These two Cabinet members are crucial to achieving the ultimate goal of the committee—to make affordable housing and needed supportive services, which are often health-related services, easier for seniors to access together. The legislation also names many other high-ranking officers from agencies that oversee programs of significant importance to the lives of older Americans as potential members of Coordinating Committee. I urge the President, after signing this legislation, to quickly name the rest of the committee so that it can begin to create the kind of seamless web of housing, health, transportation, and other services for our seniors that this legislation envisions.

In closing, I want to thank Chairman ENZI and Ranking Member KENNEDY for their strong support for including the idea of the Interagency Coordinating Committee. Katherine McGuire, Greg Dean, and Lauren Fuller from the HELP Committee were absolutely vital in working with Jonathan Miller of my office and the House committee to make sure this important provision was included in the final legislation.

Likewise, my longtime colleague and friend, Senator MIKULSKI, who is the ranking member of the Subcommittee on Retirement Security and Aging, and Keysha Brooks-Coley from her subcommittee staff, have been strongly supportive of this provision and have been tireless in their advocacy on its behalf. I greatly appreciate their efforts. As I did when S. 705 first passed, I want to express my thanks to Chairman SHELBY for moving S. 705 through the Committee and the Senate floor expeditiously and the Banking Committee staff who helped in achieving this goal, especially Kathy Casey, the former staff director, Mark Calabria, and Tewana Wilkerson.

Finally, I want to thank two former members of my staff, Jennifer Fogel-Bublick and Sarah Garrett, who, at the staff level, were principally responsible for crafting the original legislation and who helped to guide it through this body last year. This accomplishment is very much due to their hard work over the last several years.

Mr. ENSIGN. Mr. President, I rise today to highlight an agreement reached by my colleagues, Senator MIKE ENZI and Senator RICHARD BURR, in regard to Federal funding formulas.

Over the past year and a half the Senate Health, Education, Labor, and Pensions Committee, of which I am a member, has been working on the reauthorization of the Older Americans Act. Part of this work included changes to the funding formula for the programs contained within the act. I was actively involved in this work with Chairman ENZI and Senator BURR, as I believe that the formula is unfair and inequitable to states with a growing elderly population.

While we were able to make some changes to the funding formula for the Older Americans Act, it is far from adequate. The formula continues to provide high-growth states with less than their fair share of funding.

Chairman ENZI has agreed to hold hearings during the 110th Congress to review federal funding formulas.

Senator BURR and I agree that Federal money should follow people. Current Federal funding formulas often ignore this and penalize those living in fast-growing States.

According to USA Today, the state of Nevada is projected to see a one hundred and fourteen percent increase in our population—the highest rate of growth in the country. Nevada welcomes our new-comers with open arms, as they have recognized the quality of life the state of Nevada has to offer. I am proud that so many Americans have chosen to call Nevada home.

I was sent to Washington, DC, promising that I would do more to bring Nevadans hard earned dollars back to the State. Nevadans are happy to pay their fair share of taxes to the Federal Government, but also expect a fair share to return to the State. Despite my success in changing several funding formulas, Nevada continues to rank at the bottom of the list in terms of Federal dollars returning to the State.

Much of this is because current Federal funding formulas contain provisions that require outdated population data, and others mandate the use of hold harmless provisions. Both of these provisions work against those who need the assistance these funds provide. These provisions punish those who have chosen to move to a different State particularly fast-growing States.

I have worked to bring some equity and fairness to the title I education funding formula, which has brought an additional $43 million to the State of Nevada. I have also worked to bring some fairness to the Perkins Career and Technical Education program and other important programs, but much work remains to be done.

I am anxious for these hearings to begin so we can truly shed some light on these formulas and the unfair provisions used to allocate Federal dollars. Federal money ought to follow those individuals it is designed to assist. It should not be held hostage to politics.

It is my hope that these hearings will lay the groundwork for work on other

federal funding formulas, particularly those used to allocate funding for education and health care programs. I am looking forward to working with my colleagues on this extraordinarily important issue in the very near future.

Ms. MIKULSKI. Mr. President, I rise today in strong support of Senate passage of the bipartisan, bicameral Older Americans Act Amendments of 2006, H.R. 6197. This bill passed the House unanimously yesterday and is a bipartisan, bicameral agreement to reauthorize this important act until 2011.

H.R. 6197 retains and strengthens current programs, as well as establishes new innovative programs. This bipartisan bill also honors the agreement that I made with Senators ENZI, DEWINE, and KENNEDY to members of the Health, Education, Labor, and Pensions Committee to address the current funding formula for title III OAA dollars before moving the bill to the senate floor. The bill includes a compromise that addresses States that have both increasing and decreasing populations. Updating the ''hold harmless'' to the fiscal year 2006 funding level helps States with steady populations, while phasing out the guaranteed growth provision over 5 years helps States with increasing aging populations.

This past December, the congressionally mandated White House Conference on Aging convened 1,200 bipartisan delegates from all 50 States to discuss issues that affect the lives of older individuals across the country. The No. 1 resolution adopted at the conference was reauthorization of the OAA this year. We have heeded their call and are pleased that H.R. 6197 has the strong support of the aging community.

There are three principles that I used to guide this reauthorization process. First, to continue to improve the core services of this act to meet the vital needs of America's seniors. We need a national program with national standards that ensure consistency but allow for sufficient flexibility and creativity. Second, to modernize the act, to meet the changing needs of America's senior population, including the growing number of seniors over 85. We must be ready for the impending senior boom and look for ways to help seniors live more independent and active lives. And finally, to ensure these critical national, State, and local programs have the resources they need to get the job done.

This bill keeps our promise to older Americans to retain and strengthen current OAA programs, as well as provide new innovative programs to further improve the act. It will ensure that the OAA continues to meet the day-to-day needs of our country's older Americans and the long-range needs of our aging population.

The reauthorization bill maintains tried and true programs, including information and referral services that are the backbone of OAA programs, providing seniors and their family members information about supportive services, nutrition programs like Meals on Wheels that provide meals to 2.75 million people every year, and transportation services which are critically important to seniors in our rural areas. At the same time, we recognize the need to strengthen certain programs in the act and establish new innovative initiatives that are fiscally responsible.

The bill strengthens the National Family Caregiver Support Program by providing respite services to older adults who care for their children who are disabled and lowering the age eligibility of grandparents caring for a child from 60 to 55. The bill also extends caregiver services to individuals with Alzheimer's disease of any age to address the increasing number of people who are being diagnosed with Alzheimer's at an earlier age and increases the authorization for the program to meet the growing needs of family caregivers.

The bill strengthens aging and disability resource centers, expanding the important role resource centers across the country provide. These centers are visible, trusted sources of information on long-term care options and health insurance and provide seniors and their family members with important information on benefits including the Medicare prescription drug program.

The bill strengthens the title V Senior Community Service Employment Program by maintaining the strong community service aspect of the program, an integral component since the beginning. This program helps seniors find jobs at Meals on Wheels programs, senior centers, and public libraries.

H.R. 6197 authorizes new innovative programs including a Naturally Occurring Retirement Community—NORC—Aging in Place Program that will support and enhance the ability of seniors to remain in their homes and communities by providing seniors necessary supporting services including transportation, social work services, and health programs. The new grant program builds on the success of Naturally Occurring Retirement Communities Programs that have developed at the local level and have a proven record of success.

A Civic Engagement Demonstration Program is authorized that encourages older adults to become actively involved in their communities. The program will capitalize on the talent and experience of older adults to meet critical needs in our communities. The bill also creates an elder abuse program that will support State and a community effort against elder abuse by conducting research related to elder abuse and neglect and creates a nationally coordinated system to collect data about elder abuse, neglect, and exploitation.

The bill also establishes an Interagency Coordination Committee based on S. 705, Meeting the Housing and Service Needs of Seniors Act of 2005, introduced by the senior Senator from Maryland, Mr. SARBANES. The interagency committee will address the housing and social service needs of seniors and enhance working relationships and coordination among Federal entities including the Departments of Health and Human Services, Labor, Housing and Urban Development, and Transportation.

This bill addresses the issue of emergency preparedness for seniors by requiring States and Area Agencies on Aging to coordinate, develop plans, and establish guidelines for addressing the senior population during disasters/emergencies. During Hurricane Katrina and Rita, we all saw that many times the people who were left behind were the elderly. We must plan accordingly for seniors and use the successful senior network that exists in our country to make sure that they are not forgotten.

I thank Senator DEWINE, chairman of the Retirement Security and Aging Subcommittee, for his sincere dedication to reauthorizing the OAA this year and his willingness to work in a bipartisan manner to accomplish this. This is our second time reauthorizing this act together, and we produced a bipartisan bill once again. I also thank Senator ENZI for his strong leadership in moving this bill through the Health, Education, Labor, and Pensions Committee and all the way up to this point. Thank you also to Senator KENNEDY for his leadership and his tireless advocacy for OAA programs and the people it serves.

Mr. BURR. Mr. President, I rise today to speak on the Older Americans Act amendments of 2006. As the Federal Government's chief program for the provision of a variety of social services for America's older citizens, the Older Americans Act, OAA, has and will continue to be a program of critical importance, especially for the aging baby boomer population.

The bill before us includes a number of important provisions that seek to strengthen and improve health and nutrition programs, educational and volunteer services, and home and community support systems for our Nation's older citizens. I commend my colleagues in Congress for these needed improvements and enhancements to the OAA, and I support final passage of this bill.

While I am also pleased by the modifications made to the funding formula included in title III of the act that will result in increased funding for North Carolina and other high-growth States, I am disappointed that the final funding formula included in the act does not completely eradicate funding inequities. For far too long, my home State of North Carolina and a number of other high-growth States have consistently been underfunded under the OAA. Prior to the 2000 reauthorization of the OAA, the General Accountability Office, GAO, both in 1994 and 2000, documented that the allocation

method used by the Administration on Aging, AOA, to distribute title III funding resulted in inequitable funding across States and adversely affected States with rapidly growing older populations such as North Carolina. Under AOA's allocation procedures, States with above-average growth were consistently underfunded, while States with below-average growth were consistently overfunded. In fiscal year 2000 alone, GAO found that AOA's allotment method resulted in North Carolina being underfunded by $2.1 million.

Although Congress attempted during the 2000 reauthorization of the OAA to ensure that the allocation methods used to distribute funds were consistent with statute, a provision was added to the formula, referred to as a guaranteed growth factor, which had the unfortunate effect of compounding the disparities between high- and low-growth States. Under the formula included in the Act before us, this guaranteed growth factor is to be phased out in 5 years. I appreciate the inclusion of this phase out. However, I strongly believe that 5 years is too long a time to eliminate a funding provision that serves only to underfund high-growth States and over-fund low-growth States.

As we all know, older Americans are a rapidly growing and ever important group of our population. My home State of North Carolina has and will continue to experience unprecedented growth in all segments of our populations in the coming years. While the Nation's total population is expected to grow 29 percent by 2030, North Carolina's total population is expected to increase 51.9 percent by 2030, making North Carolina the seventh most populous by 2030 and the seventh fastest growing state.

The State of North Carolina welcomes this growth, which we are experiencing among all age segments of our population, and we are pleased that so many are choosing to make North Carolina their home. Nevertheless, to best meet the needs of our residents, it is imperative that funds provided by Federal programs such as the OAA reach the individuals they are intended to serve. As we all know, funding formulas are complicated. Nevertheless, it is critical that this and other formula issues be resolved once and for all and not once again put off for another day or other reauthorizations years down the road. If the goal of the OAA is to provide essential Federal programs and services for older Americans, then such Federal funds must be directed to States in which older Americans are living.

For this reason, I am pleased that Chairman ENZI has committed to me to hold hearings during the coming Congress to review all formulas for Federal programs under the jurisdiction of the Health, Education, Labor and Pensions Committee and to examine how those formulas are developed to determine the fair and equitable distribution of funds. I also appreciate Chairman ENZI's commitment to address the next reauthorization of the OAA within 3 years after we pass this bill before us so that we can more quickly examine and remediate the current funding inequities. I look forward to working with Chairman ENZI and my other colleagues to ensure that Federal funds follow the people and their needs.

Ms. STABENOW. I have heard from many seniors, the Center for Social Gerontology in Ann Arbor, and Michigan's Area Agencies on Aging and senior centers about the need for reauthorizing the Older Americans Act, which was last reauthorized in 2000. While the reauthorization of the OAA is a positive step for America's seniors, funding for Federal seniors services has failed to keep place with inflation and an aging population.

I am also pleased that the OAA reauthorization will contain the core elements of S. 409, the Federal Youth Coordination Act, which I cosponsored with Senator NORM COLEMAN. I was also pleased to work with Congressman TOM OSBOURNE on pushing this legislation forward. I thank Chairman ENZI and Senators KENNEDY and MIKULSKI and their staff for including this important piece of legislation in the OAA reauthorization.

In 2003, the White House Task Force for Disadvantaged Youth report identified numerous programs in 12 different Federal agencies that serve or relate to disadvantaged youth. But the task force could not determine precisely how much funding directly impact our young people because there is no uniform, focused Federal youth policy. The task force recommended the establishment of a coordinating body to facilitate the evaluation, coordination, and improvement of Federal programs serving youth.

In response, our legislation creates a 2-year coordinated council to evaluate, coordinate, and improve Federal youth programs. Membership on the council includes 12 Federal agency officials, representatives of youth-serving nonprofits and faith-based organizations, and the youth who actually participate in these important programs.

The purpose of our bill is not to cut programs but to look at ways we can better serve our young people. Our children, especially those most at risk, should not be lost in a Federal bureaucracy. We must ensure that our taxpayers' investment produces a strong return on our Nation's investment in our children. America's youth deserve high-quality, effective and meaningful youth development programs that achieve the greatest possible impact.

I urge the President to convene a council that will take its mission seriously and includes members with strong backgrounds in children's services. Most importantly, the council ought to include young people, especially those positively impacted by federally funded programs. At a January briefing I sponsored with Senators COLEMAN and DEWINE, one of the most powerful stories we heard from Terry Harrak, a former foster youth once caught in the middle of the maze of services. She called on the Senate to pass the Coleman-Stabenow bill and for Congress to not cut the number of programs but to improve how they work together.

Again, I thank my colleagues for their support for serving two of our most vulnerable populations, our seniors and our children. Additionally, I thank the many Michigan organizations who supported the Federal Youth Coordination Act, and I ask unanimous consent that a copy of the letters in support of S. 409 be printed in the RECORD.

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

NATIONAL COLLABORATION FOR YOUTH,
Washington, DC, January 13, 2006.

Hon. DEBBIE STABENOW,
133 Hart Senate Office Building,
Washington, DC.

DEAR SENATOR STABENOW: On behalf of the National Collaboration for Youth and its member organizations, we thank you for your support of the Federal Youth Coordination Act (S. 409) and co-sponsoring the briefing on the legislation held earlier this week.

More than 20 Senate staff members attended the briefing to hear our distinguished panelists discuss the maze of services facing disadvantaged youth and their families. The federal government currently lacks a coordinating body with the mandate to weave the existing tangle of services into a seamless web of supports. We appreciate your leadership on The Federal Youth Coordination Act (FYCA), which fills this need and provides valuable leadership, support and efficiency to state and local efforts across the country.

We look forward to continuing to work with your office on FYCA. Children are simply too important, and resources are too scarce, to not pass this legislation.

Sincerely,

IRV KATZ,
President and CEO.

VOICES FOR MICHIGAN'S CHILDREN
Lansing, MI, April 18, 2005.

Senator DEBBIE STABENOW,
U.S. Senate, 702 Hart Senate Office Building,
Washington, DC.

Hon. SENATOR STABENOW: On behalf of our Board of Directors of Michigan's Children, I would like to thank you for your sponsorship of the Federal Youth Coordination Act of 2005.

Transitioning to adulthood can be a complicated process for young people, navigating through the supports and services available should not be so complicated. For this reason, Michigan's Children has as one of its legislative and administrative priorities for 2005 advocacy related to at-risk youth transitioning to adulthood. This priority includes supporting state and federal steps to provide more coordinated services to this population. As you are aware, the Federal Youth Coordination Act represents a positive step in this direction.

We are pleased that you have signed on as a Senate co-sponsor to this important piece of legislation. It may interest you to know that the theme of the 2005 Michigan Kids Count Databook will be issues faced by at-risk youth in transition. This should provide a unique opportunity this fall (the databook is scheduled for release in October 2005) to

draw some attention to this critical issue. If there is anything that we can provide to you about the Act itself, or the status of young people in Michigan, please don't hesitate to contact our office,

Sincerely,

SHARON PETERS,
President/CEO.

Mr. KOHL. Mr. President, I understand that tonight the Senate will move to passage of the reauthorization of the Older Americans Act. I support passage of this legislation, which funds nutrition, health, elder abuse prevention, caregiver support, and employment programs that are critical to our Nation's seniors—so critical, in fact, that delegates to the White House Conference on Aging ranked reauthorization as their No. 1 priority.

Today, people over the age of 65 make up over 12 percent of the population, but they will make up 20 percent in the next 45 years. That means one out of every five Americans will be a senior by the year 2050. Just in the past 5 years, Wisconsin has experienced a 6 percent increase in people over the age of 65. It is clear we need a strong Older Americans Act that provides real help if we are to serve the seniors of today and tomorrow.

As ranking member of the Special Committee on Aging, I applaud the bipartisan efforts of Senator ENZI and Senator KENNEDY in producing a bill that preserves the programs in the Older Americans Act. This is not a perfect bill, and in future reauthorizations we must continue to strengthen OAA for both today's seniors and the coming tidal wave of baby boomer retirees. But I am pleased that this reauthorization rejects attempts to dismantle the OAA programs and instead preserves them.

This OAA reauthorization bill includes several pieces I strongly support. First, it strengthens the Senior Community Service Employment Program—now renamed the Older American Community Service Employment Program. Many seniors expect to work past traditional retirement age. Some will do so because they enjoy the physical and mental benefits of work, but others need additional income to be financially secure.

That is why the OACSEP program is so important. It is the only Federal workforce program specifically targeted to older people, providing community service and job training to low-income adults age 55 and over. Many of us were concerned that the administration proposed a major overhaul of this program that would have disrupted both grantees and participants. Instead, this bill wisely preserves OACSEP and builds on its success.

In particular, the bill maintains OACSEP's role in allowing seniors who have a disability or poor employment prospects to do community service jobs. Instead of turning seniors away, this bill recognizes that seniors who give back to their communities help not only the organizations and families they serve but also help themselves become more self-sufficient.

I thank the HELP Committee for working with me to improve OACSEP. Specifically, the bill expands eligibility to ensure that people who have some income but are still very poor can get OACSEP services. It also requires the Department of Labor to evaluate the performance of OACSEP grantees by hours of community service employment, placement into and retention in paid jobs, earnings, and the number of people served—including the number of people from hard-to-serve populations. And it requires Labor to use performance on these measures as one of its criteria in awarding future grants.

At an Aging Committee hearing in April, the GAO testified that even though thousands of seniors need training and jobs, Labor has restricted OACSEP eligibility so much that grantees can't find enough people to enroll. The bill returns to more realistic eligibility criteria, such as ensuring that SSI benefits no longer count as income in determining whether you are poor enough to qualify for the program.

This reauthorization also recognizes the importance of engaging our next generation of seniors in community service. While many boomers would like to continue working, others will look to mix work and leisure with volunteerism. Older Americans bring a wealth of talent and experience to their communities, and many are eager to make a meaningful contribution. This reauthorization directs the administration on Aging to develop a blueprint for engaging boomers and authorizes a fund for innovation for community stakeholders to engage boomers. These are two important steps in giving the government and communities the tools needed to harness boomers' leadership skills and abilities.

I am also pleased to see several provisions of the Elder Justice Act included in the Older Americans Act reauthorization. I am an original cosponsor of Elder Justice and strongly support its goals. For far too long, our Nation has turned its back on the shame of elder abuse. With these provisions, we are finally saying enough is enough—elder abuse is unacceptable and we are going to put an end to it.

For the first time, the bill provides real Federal leadership in the fight to end elder abuse by creating an Office of Elder Abuse Prevention. It also includes programs to assist States and Indian tribes with their efforts to protect seniors. Important research and data collection can now begin so we will know the scope of the problem and the best solutions to prevent, detect, and treat elder abuse, neglect and exploitation.

In addition, I am pleased this bill preserves the Long Term Care Ombudsman Program. Although it is a small program, the ombudsman plays a key role in protecting the elderly and disabled in long-term care by serving as an advocate for patients and helping them resolve complaints of abuse, neglect, and mistreatment. A recent report by the Institute of Medicine of the National Academy of Sciences noted the importance of routine onsite presence of ombudsman in detecting problems before they become serious.

My home State of Wisconsin has one of the most successful ombudsman programs in the county, and we are proud to have one of the very best ombudsmen, George Potaracke, leading that program. I have worked for many years to ensure that this woefully underfunded program receives increases. These increases are often small, but they improve the lives of people living in long-term care facilities. I hope that future OAA reauthorizations will take the ombudsman's growing caseload into account and increase its funding authorization to match the need.

This legislation also maintains strong support for state and community programs authorized under title III. These programs serve over 8.2 million older persons, providing transportation, access to senior centers, home care, adult daycare, and congregate and home-delivered meals like the Meals on Wheels program. These valuable services allow older persons to live in their communities and remain independent.

Each year, title III gives seniors almost 36 million rides to places like doctors' offices, grocery stores, and senior centers. It ensures that 6,000 senior centers continue to flourish in our communities. It provides 20 million hours of personal care, homemaker, and chore services, and almost 10 million hours of services in adult daycare. And it serves 248 million meals to our seniors. I am pleased that the Older Americans Act reauthorization preserves these important services.

In addition, the Family Caregiver Support program is reauthorized and improved. I was an original cosponsor of this program, which ensures that family members who care for an elderly or disabled relative receive the support and respite services they need. The Family Caregiver Support Program provides access assistance to 585,000 caregivers, conducts counseling and training services for about 300,000 caregivers, and supports respite care services for over 200,000 caregivers.

Now that we are poised to pass the Older Americans Act reauthorization, we must make sure we fund it. All of our good intentions will be empty promises if we don't also provide the resources seniors need. As a member of the Appropriations Committee, I have consistently supported increased funding for OAA and will continue to fight for these programs.

Again, I applaud the HELP Committee for this sensible and much needed bill.

Mr. DEWINE. Mr. President. I am extremely proud to come to the Senate today to recognize the passage of a very important piece of legislation for our Nation's seniors. Democrats and

Republicans came together over the past 2 years to reauthorize the Older Americans Act and that's simply good news for seniors across the country.

I thank Chairman ENZI and our Democrat colleagues Senators MIKULSKI and KENNEDY for joining me in this effort. This bill is an excellent example of the positive things we can accomplish when members of both parties work side by side towards a common goal. Over the past 2 years, as Chairman of the Subcommittee on Retirement Security and Aging, I have worked with my colleagues—particularly Senator MIKULSKI—to bring together experts in the aging community at hearings, roundtables, and listening sessions. We have listened to the problems facing our seniors and to ideas about what we can do to make their lives better. I rise today with my colleagues on the Health, Education, Labor, and Pensions Committee as we join in passage of the Older Americans Act Amendments of 2006, a bill which we all believe will make the lives of seniors better.

Senator MIKULSKI and I worked together to draft and pass the Older Americans Act Amendments of 2000. I am proud to have worked with her again to improve and update these vital programs for seniors. Her hard work and experience has been invaluable.

This bill comes about through the dedication and compromise of members in both the Senate and the House. I would like to take this moment to thank everyone on both sides of the aisle who worked on this bill—particularly my colleague from Ohio, Representative TIBERI. They have been dedicated to the passage of this important legislation, and I thank them for their hard work.

The Older Americans Act is so important for my home state of Ohio. More than 2 million persons over the age of 60 in Ohio are eligible for services under the Older Americans Act. Let me say that again, there are over 2 million Ohio seniors who will have the opportunity to take advantage of the programs in this bill. The bill will bring more than $44 million to programs in Ohio. This vital funding will go to wonderful organizations such as Meals on Wheels, which provides important nutrition programs at senior centers and in senior's homes.

This funding will also help programs preventing injury and illness to seniors, as well as programs supporting families who are caring for disabled loved ones, including the elderly and adult children with disabilities, and grandparents who are caring for their grandchildren. So many Ohioans need these services. In my state 87 percent of those in need of care by a family member are at age 50 or older. Seventy percent of those persons are women. Ohioans caring for a disabled family member spend an average of 4.2 years in this role—time impacting their job, their emotions, and their health.

The Older Americans Act also provides funding and support for the 12 Area Agencies on Aging that serve older Americans living in Ohio. These 12 agencies do a wonderful job of organizing the services I just described, as well as many more. They serve all 88 counties in Ohio and work with State and local providers of services to ensure that all seniors in their areas maintain proper health and nutrition and are aware of the services available to them.

Nationwide, older Americans are a vital and rapidly growing segment of our population. Over 36 million people living in the United States—about 12 percent of the population—are over the age of 65. The Census Bureau projects that 45 years from now, people 65 and older will number nearly 90 million in the United States and will comprise 21 percent of the population.

The Older Americans Act is an important service provider for these Americans, and I strongly believe that the reauthorization bill we just passed updates and strengthens the Act in so many ways. Plans to prepare for changes to the aging demographics will be incorporated into the Act. A Federal interagency council responsible for ensuring appropriate planning for baby boomer-related needs and population shifts across agencies will be created. And grants and technical assistance will be provided to local aging service providers to plan for the baby boomer population.

Our bill will also increase the Federal funding levels for the National Family Caregiver Support Program over the next 5 years. This important program helps families care for loved ones who are severely ill or disabled, yet want to remain in their homes and community. Our bill expands this program so that all of those caring for loved ones with Alzheimer's become eligible for support services. Our bill also clarifies that this program will serve elderly caregivers who are caring for their adult children with developmental disabilities and expands that provision to include all adult children with disabilities who are being cared for by an elderly parent. Lastly, it clarifies that grandparents caring for adopted grandchildren are covered under the National Family Caregiver Support Program and lowers the age threshold for grandparents to 55 years old. These important changes will improve the quality of life for so many who are struggling under the pressures of caring for loved ones—including more than 1,700 Ohioans annually.

Other provisions of the bill encourage seniors to make voluntary contributions to help defray the costs of these programs if they want to which will allow the program to reach out to even more seniors. This will help programs such as Meals-on-Wheels to expand their activities and will enable them to more effectively take contributions from those older Americans willing and able to pay for services. Annually, more than 125,000 Ohioans are served nearly 10 million meals by these important programs. The number of seniors in our population is increasing—and as it does, we need to modify our programs to ensure that they are economically sustainable and equipped to grow.

We know that most Americans wish to live independently in their own homes as they age. Our amendments will help them do so by providing funding so that the Department of Health and Human Services can award grants for the improvement of assistive technology that will allow older Americans to monitor their health while they remain in their homes. This bill also creates a new program awarding grants for the creation of innovative models for the delivery of services to those who remain in their homes. The need for this grant program was discussed at length in a hearing I held on models for aging in place—specifically, Naturally Occurring Retirement Communities or NORCs. NORCs are areas in which large concentrations of people live and stay as they age. Essentially, NORCs allow individuals to grow old while living in the communities they love. Programs like NORCs will allow Americans to remain in their homes and communities, the places where they believe they will stay happier and healthier. As I stated before, Americans want to stay in the places they love as they age. This bill will help them do just that.

Further, this bill creates a new momentum towards the provision of consumer-driven choices with respect to long-term care. As we all know, too many older Americans become disabled without the ability or the insurance to pay for their care. Too often, their only choice is to live in a nursing facility away from home. This ends up being more costly and ultimately not what the person would prefer—which is to remain in their home and their community. This bill will facilitate access to long-term care choices and opportunities. It will also enhance the ability of local providers and area agencies on aging to provide advice on the range of options they have available. Older Americans will then have the flexibility to decide for themselves which is the best place for them to age.

The Senior Community Service Employment Program is a federally funded jobs program geared specifically for older Americans. In Ohio alone, it provides more than 2,000 jobs for low-income Americans age 55 and older. Our bill updates this program to ensure additional stability in those who provide these services for older low-income Americans. This stability will limit the disruption for seniors employed in the program and will also help low-income older Americans get the training they need to move on to better paying jobs.

The Senior Community Service Employment Program has a dual nature, containing provisions that address both community service and job training for low income individuals. Our bill

provides a Sense of the Senate supporting this dual approach. Furthermore, our bill limits the time period of participation in the program to 4 years, with an exemption for certain hard to serve individuals. This provision balances the need for a limit to the time a person spends in this employment program with the recognition that certain populations have special needs.

Of great importance to me, this bill also amends the Older Americans Act to focus attention on the mental health needs of older Americans. The amendments establish grants for the mental health screening of older Americans and for increased awareness of the effects of mental health needs on the elderly population. Too often the mental health needs of older Americans are overlooked—but they can be as serious and life-threatening as any other illness. The mental health needs of our seniors must be taken more seriously. We must deal with them more aggressively. I believe that these provisions move us significantly forward in this struggle.

Finally, this bill will help address the terrible problem of seniors who suffer abuse in their homes or while in nursing homes. Elder abuse is a serious problem that we know exists but is not well documented. This bill increases the profile of these issues while providing important resources for improving the data collection of incidents and outreach to those who may be suffering abuse. I believe that these new grants will move us forward tremendously in our fight against elder abuse. I know that this was an important provision for Chairman ENZI, and I am glad that we were able to include this important program for at-risk seniors.

Once again, I want to thank Senator ENZI and Senator KENNEDY for making this reauthorization a priority for the HELP Committee. Over the months we have negotiated this bipartisan bill, I have greatly appreciated their thoughtful and steady work to get the Older Americans Act to this point. Together, we have worked to get it done.

Today's passage of the Older Americans Act Amendments of 2006 is incredibly important to older Americans, both in Ohio and across the Nation. I would like to commend everyone involved.

Mr. FRIST. I ask unanimous consent that the bill be read the third time and passed, a motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 6197) was ordered to a third reading, was read the third time, and passed.

TO EXTEND TEMPORARILY CERTAIN AUTHORITIES OF THE SMALL BUSINESS ADMINISTRATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6159 which was received from the House.

The PRESIDING OFFICER. The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (H.R. 6159) to extend temporarily certain authorities of the Small Business Administration.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. KERRY. Mr. President, tomorrow—September 30, 2006—many of the SBA's programs and authorities expire. Our committee worked together to come up with a bipartisan package, a true give-and-take on ideas, including many reforms driven by needs identified in the response to the gulf hurricanes last year. That comprehensive small business reauthorization bill, S. 3778, is opposed by the administration, and is being blocked from consideration in the full Senate through various holds.

We finished our work at the end of July, and the bill has been pending on the Senate calendar for consideration since August 2. The administration and other opponents have had 9 weeks to work out a compromise. But they don't want to. SBA has told the small business community that they don't want an SBA reauthorization bill this year; they only want to reauthorize their ability to cosponsor events with the private sector.

In the absence of passing that legislation, which is a replay of our last reauthorization bill, S. 1375, that was obstructed, the agency is at the mercy of a continuing resolution, CR. Unfortunately, a continuing resolution doesn't extend all the authorities needed for the agency to operate. H.R. 6159 was put forward to catch some of the programs that would fall through the cracks. However, according to CRS and the Senate Legislative Counsel, as drafted, the bill still doesn't close the gaps. The gaps leave open the Advisory Committee on Veterans Business Affairs, the New Markets Venture Capital Program, and the Program for Investment in Micro-entrepreneurs.

There are disagreements over the interpretations of what needs to be authorized, and some of our colleagues have argued that even if there are disagreements on the interpretation of what programs are covered by H.R. 6159, we should move the bill anyway because we have a letter from SBA committing to cover those provisions considered ambiguous. Specifically, SBA gave Chairman SNOWE a letter on September 27, 2006, committing to run the programs we are concerned about. Our colleagues argue that SBA would be bound by those written interpretations. However, I am sure my colleagues can understand why we might not feel comfortable relying on that letter given that on September 19, 8 days earlier, SBA sent a list to my staff regarding which programs are covered by a CR, those with ''hard sunset dates,'' and it contradicted the letter to our chairman. The contradictions raise valid concerns, and I am sorry that the Senate did not adopt the language that eliminates any vagueness. Neither CRS nor Legislative Counsel has an agenda with regard to SBA's reauthorization, so we prefer to go with their interpretations.

What are the contradictions?: *The Advisory Committee on Veterans Business Affairs, *The SBDC Drug-Free Workplace program, *The Pre-Disaster Mitigation program,

In the e-mail, SBA said:

Those marked with an * do not need authorization language in the CR to operate the core mission of the SBA on a short-term basis. Grants for the year have already been given out and other programs have the ability to operate without authorizing language or are not operating and/or do not have an appropriation.

In the letter, SBA said these programs ''would not be covered by the CR and that [they] would cease to operate if H.R. 6159 were not enacted.''

Also, problematic is the date. The bill extends the programs through February 2, 2007, instead of November 17, consistent with the CR. Because the SBA has the cosponsorship authority, there is no incentive for the agency to come negotiate with us on the comprehensive reauthorization bill.

We were given this bill last week, and told we had one hour to approve it. We tried, but our conversations, as referenced above, with CRS and Senate Legislative Counsel identified holes in the legislation. We asked Legislative Counsel to draft the corrections and told our colleagues that we were waiting for the draft. They moved forward without us. This take-it-or-leave-it approach is unnecessary.

Let the record reflect that we have been willing to compromise all along and only asked that the language accomplish: extension of programs or authorities that would fall through the cracks based on discussions with CRS and Senate Legislative Counsel and a date change to keep folks working to pass, this 109th Congress, S. 3778, the Senate's bipartisan, comprehensive SBA Reauthorization Act. We did not include provisions outside those goals.

It is disappointing that our goal was not shared. I am hopeful that the Veterans Committee will continue and that SBA will not pull resources from the New Markets Program or later argue that not addressing PRIME was a statement from the Senate that we didn't mean for it to be extended. That would be inaccurate, as reflected in S. 3778, where PRIME is moved to the Small Business Act and reauthorized.

Ms. SNOWE. Mr. President, as chair of the Senate Committee on Small Business and Entrepreneurship, I rise today to ask unanimous consent to approve H.R. 6159, a bill passed by the

House of Representatives on Tuesday that would provide a short-term extension of the Small Business Administration, SBA, and all of its programs. In particular, it ensures the continued authority, through February 2, 2007, of the SBA's Pre-Disaster Mitigation Program, the Small Business Development Center Drug-Free Workplace Grants, the Advisory Committee on Veterans Business Affairs, and also the SBA's Cosponsorship and Gift Acceptance Authority.

Currently, many of the SBA's programs, authorities, or provisions authorized under the Small Business Act and the Small Business Investment Act are scheduled to expire on September 30, 2006. While most of the SBA's programs can operate through appropriations and the Continuing Resolution, this bill makes certain that the SBA will continue its vital small business lending programs such as the 7(a) loan guaranty program; the Certified Development Company program; and the Small Business Investment Companies program.

On July 27, 2006, the Small Business Committee unanimously reported out the Small Business Improvements and Reauthorization Act of 2006 (S. 3778), a comprehensive, bipartisan bill which reauthorizes the SBA for the next 3 years. This bill is a product of the committee's work over the last 2 years and includes many critical provisions to improve and revitalize the SBA and its programs.

My SBA Reauthorization bill will enhance the SBA's role in assisting American small businesses to thrive and grow, through the agency's lending programs as well as other programs and services. Most importantly, it will enable the agency to help small businesses continue creating new jobs for our economy. Since 1999, the SBA's programs and services have time and again proven their value, helping to create or retain over 5.3 million jobs in the United States.

I am confident that we can enact legislation to reauthorize the SBA before the 109th Congress ends and I am committed to work with my colleagues to pass a bipartisan bill. However, in the interim, we must ensure that the SBA can continue to offer the entire range of its programs to our nation's small businesses, which are the backbone of our economic foundation, creating nearly three-quarters of all new jobs and generating about 50 percent of the nation's gross domestic product.

However, at stake today are four key SBA programs and authorities, including the Advisory Committee on Veterans Business Affairs, which is scheduled to transfer to the Veterans Corporation on October 1, 2006. In a letter from SBA Administrator Steven C. Preston, dated September 27, 2006, the SBA stated that . . . if H.R. 6159 is not passed, then the Advisory Committee will terminate, and its duties will be assumed by the NVBDC [National Veterans Business Development Corporation].

We must act today to ensure that the SBA, the Advisory Committee on Veterans Business Affairs, and all of SBA's programs continue to operate. The bill before us achieves that goal by extending the authorization for the SBA's program through February 2, 2007. That will provide sufficient time and opportunity for both the Senate and the House to pass a SBA Reauthorization legislation, for Congress to reconcile the differences, and for the President to sign a long-term reauthorization bill for the SBA.

Too much was at stake for small businesses, and our economy as a whole, to allow SBA and critical small business programs and services to languish. We must find essential agreement and fulfill its obligation to America's small businesses. Clearly, if we strive for anything less, we would fail to support the backbone of our economy, our hope for innovation and new technology, and our small firms that employ millions across the nation ensure the success of tomorrow's entrepreneurs.

Mr. President, I urge my colleagues to support H.R. 6159 and thereby ensure that the SBA will continue to serve small businesses and enable small businesses to obtain the financing they need, as they contribute so greatly to the revitalization of our national economy.

Mr. FRIST. I ask unanimous consent that the bill be read the third time and passed, a motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 6159) was ordered to a third reading, was read the third time, and passed.

FINANCIAL SERVICES REGULATORY RELIEF ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Chair lay before the Senate the House message to accompany S. 2856.

The Presiding Officer laid before the Senate a message from the House as follows:

S. 2856

Resolved, That the bill from the Senate (S. 2856) entitled ''An Act to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Financial Services Regulatory Relief Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BROKER RELIEF

Sec. 101. Joint rulemaking required for revised definition of broker in the Securities Exchange Act of 1934.

TITLE II—MONETARY POLICY PROVISIONS

Sec. 201. Authorization for the Federal reserve to pay interest on reserves.

Sec. 202. Increased flexibility for the Federal Reserve Board to establish reserve requirements.

Sec. 203. Effective date.

TITLE III—NATIONAL BANK PROVISIONS

Sec. 301. Voting in shareholder elections.

Sec. 302. Simplifying dividend calculations for national banks.

Sec. 303. Repeal of obsolete limitation on removal authority of the Comptroller of the Currency.

Sec. 304. Repeal of obsolete provision in the Revised Statutes.

Sec. 305. Enhancing the authority for banks to make community development investments.

TITLE IV—SAVINGS ASSOCIATION PROVISIONS

Sec. 401. Parity for savings associations under the Securities Exchange Act of 1934 and the Investment Advisers Act of 1940.

Sec. 402. Repeal of overlapping rules governing purchased mortgage servicing rights.

Sec. 403. Clarifying citizenship of Federal savings associations for Federal court jurisdiction.

Sec. 404. Repeal of limitation on loans to one borrower.

TITLE V—CREDIT UNION PROVISIONS

Sec. 501. Leases of land on Federal facilities for credit unions.

Sec. 502. Increase in general 12-year limitation of term of Federal credit union loans to 15 years.

Sec. 503. Check cashing and money transfer services offered within the field of membership.

Sec. 504. Clarification of definition of net worth under certain circumstances for purposes of prompt corrective action.

Sec. 505. Amendments relating to nonfederally insured credit unions.

TITLE VI—DEPOSITORY INSTITUTION PROVISIONS

Sec. 601. Reporting requirements relating to insider lending.

Sec. 602. Investments by insured savings associations in bank service companies authorized.

Sec. 603. Authorization for member bank to use pass-through reserve accounts.

Sec. 604. Streamlining reports of condition.

Sec. 605. Expansion of eligibility for 18-month examination schedule for community banks.

Sec. 606. Streamlining depository institution merger application requirements.

Sec. 607. Nonwaiver of privileges.

Sec. 608. Clarification of application requirements for optional conversion for Federal savings associations.

Sec. 609. Exemption from disclosure of privacy policy for accounting firms.

Sec. 610. Inflation adjustment for the small depository institution exception under the Depository Institution Management Interlocks Act.

Sec. 611. Modification to cross marketing restrictions.

TITLE VII—BANKING AGENCY PROVISIONS

Sec. 701. Statute of limitations for judicial review of appointment of a receiver for depository institutions.

Sec. 702. Enhancing the safety and soundness of insured depository institutions.

Sec. 703. Cross guarantee authority.

Sec. 704. Golden parachute authority and nonbank holding companies.

Sec. 705. Amendments relating to change in bank control.

Sec. 706. Amendment to provide the Federal Reserve Board with discretion concerning the imputation of control of shares of a company by trustees.

Sec. 707. Interagency data sharing.
Sec. 708. Clarification of extent of suspension, removal, and prohibition authority of Federal banking agencies in cases of certain crimes by institution-affiliated parties.
Sec. 709. Protection of confidential information received by Federal banking regulators from foreign banking supervisors.
Sec. 710. Prohibition on participation by convicted individuals.
Sec. 711. Coordination of State examination authority.
Sec. 712. Deputy Director; succession authority for Director of the Office of Thrift Supervision.
Sec. 713. Office of Thrift Supervision representation on Basel Committee on Banking Supervision.
Sec. 714. Federal Financial Institutions Examination Council.
Sec. 715. Technical amendments relating to insured institutions.
Sec. 716. Clarification of enforcement authority.
Sec. 717. Federal banking agency authority to enforce deposit insurance conditions.
Sec. 718. Receiver or conservator consent requirement.
Sec. 719. Acquisition of FICO scores.
Sec. 720. Elimination of criminal indictments against receiverships.
Sec. 721. Resolution of deposit insurance disputes.
Sec. 722. Recordkeeping.
Sec. 723. Preservation of records.
Sec. 724. Technical amendments to information sharing provision in the Federal Deposit Insurance Act.
Sec. 725. Technical and conforming amendments relating to banks operating under the Code of Law for the District of Columbia.
Sec. 726. Technical corrections to the Federal Credit Union Act.
Sec. 727. Repeal of obsolete provisions of the Bank Holding Company Act of 1956.
Sec. 728. Development of model privacy forms.

TITLE VIII—FAIR DEBT COLLECTION PRACTICES ACT AMENDMENTS

Sec. 801. Exception for certain bad check enforcement programs.
Sec. 802. Other amendments.

TITLE IX—CASH MANAGEMENT MODERNIZATION

Sec. 901. Collateral modernization.

TITLE X—STUDIES AND REPORTS

Sec. 1001. Study and report by the Comptroller General on the currency transaction report filing system.
Sec. 1002. Study and report on institution diversity and consolidation.

TITLE I—BROKER RELIEF

SEC. 101. JOINT RULEMAKING REQUIRED FOR REVISED DEFINITION OF BROKER IN THE SECURITIES EXCHANGE ACT OF 1934.

(a) FINAL RULES REQUIRED.—

(1) AMENDMENT TO SECURITIES EXCHANGE ACT.—Section 3(a)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(4)) is amended by adding at the end the following:

''(F) JOINT RULEMAKING REQUIRED.—The Commission and the Board of Governors of the Federal Reserve System shall jointly adopt a single set of rules or regulations to implement the exceptions in subparagraph (B).''.

(2) TIMING.—Not later than 180 days after the date of the enactment of this Act, the Securities and Exchange Commission (in this section referred to as the ''Commission'') and the Board of Governors of the Federal Reserve System (hereafter in this section referred to as the ''Board'') shall jointly issue a proposed single set of rules or regulations to define the term ''broker'' in accordance with section 3(a)(4) of the Securities Exchange Act of 1934, as amended by this subsection.

(3) RULEMAKING SUPERSEDES PREVIOUS RULEMAKING.—A final single set of rules or regulations jointly adopted in accordance with this section shall supersede any other proposed or final rule issued by the Commission on or after the date of enactment of section 201 of the Gramm-Leach-Bliley Act with regard to the exceptions to the definition of a broker under section 3(a)(4)(B) of the Securities Exchange Act of 1934. No such other rule, whether or not issued in final form, shall have any force or effect on or after that date of enactment.

(b) CONSULTATION.—Prior to jointly adopting the single set of final rules or regulations required by this section, the Commission and the Board shall consult with and seek the concurrence of the Federal banking agencies concerning the content of such rulemaking in implementing section 3(a)(4)(B) of the Securities Exchange Act of 1934, as amended by this section and section 201 of the Gramm-Leach-Bliley Act.

(c) DEFINITION.—For purposes of this section, the term ''Federal banking agencies'' means the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the Federal Deposit Insurance Corporation.

TITLE II—MONETARY POLICY PROVISIONS

SEC. 201. AUTHORIZATION FOR THE FEDERAL RESERVE TO PAY INTEREST ON RESERVES.

(a) IN GENERAL.—Section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)) is amended by adding at the end the following:

''(12) EARNINGS ON BALANCES.—

''(A) IN GENERAL.—Balances maintained at a Federal Reserve bank by or on behalf of a depository institution may receive earnings to be paid by the Federal Reserve bank at least once each calendar quarter, at a rate or rates not to exceed the general level of short-term interest rates.

''(B) REGULATIONS RELATING TO PAYMENTS AND DISTRIBUTIONS.—The Board may prescribe regulations concerning—

''(i) the payment of earnings in accordance with this paragraph;

''(ii) the distribution of such earnings to the depository institutions which maintain balances at such banks, or on whose behalf such balances are maintained; and

''(iii) the responsibilities of depository institutions, Federal Home Loan Banks, and the National Credit Union Administration Central Liquidity Facility with respect to the crediting and distribution of earnings attributable to balances maintained, in accordance with subsection (c)(1)(A), in a Federal Reserve bank by any such entity on behalf of depository institutions.

''(C) DEPOSITORY INSTITUTIONS DEFINED.—For purposes of this paragraph, the term 'depository institution', in addition to the institutions described in paragraph (1)(A), includes any trust company, corporation organized under section 25A or having an agreement with the Board under section 25, or any branch or agency of a foreign bank (as defined in section 1(b) of the International Banking Act of 1978).''.

(b) CONFORMING AMENDMENT.—Section 19 of the Federal Reserve Act (12 U.S.C. 461) is amended—

(1) in subsection (b)(4)—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(2) in subsection (c)(1)(A), by striking ''subsection (b)(4)(C)'' and inserting ''subsection (b)''.

SEC. 202. INCREASED FLEXIBILITY FOR THE FEDERAL RESERVE BOARD TO ESTABLISH RESERVE REQUIREMENTS.

Section 19(b)(2)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(2)(A)) is amended—

(1) in clause (i), by striking ''the ratio of 3 per centum'' and inserting ''a ratio of not greater than 3 percent (and which may be zero)''; and

(2) in clause (ii), by striking ''and not less than 8 per centum,'' and inserting ''(and which may be zero),''.

SEC. 203. EFFECTIVE DATE.

The amendments made by this title shall take effect October 1, 2011.

TITLE III—NATIONAL BANK PROVISIONS

SEC. 301. VOTING IN SHAREHOLDER ELECTIONS.

Section 5144 of the Revised Statutes of the United States (12 U.S.C. 61) is amended—

(1) by striking ''or to cumulate'' and inserting ''or, if so provided by the articles of association of the national bank, to cumulate''; and

(2) by striking the comma after ''his shares shall equal''.

SEC. 302. SIMPLIFYING DIVIDEND CALCULATIONS FOR NATIONAL BANKS.

(a) IN GENERAL.—Section 5199 of the Revised Statutes of the United States (12 U.S.C. 60) is amended to read as follows:

''SEC. 5199. NATIONAL BANK DIVIDENDS.

''(a) IN GENERAL.—Subject to subsection (b), the directors of any national bank may declare a dividend of so much of the undivided profits of the bank as the directors judge to be expedient.

''(b) APPROVAL REQUIRED UNDER CERTAIN CIRCUMSTANCES.—A national bank may not declare and pay dividends in any year in excess of an amount equal to the sum of the total of the net income of the bank for that year and the retained net income of the bank for the preceding 2 years, minus the sum of any transfers required by the Comptroller of the Currency and any transfers required to be made to a fund for the retirement of any preferred stock, unless the Comptroller of the Currency approves the declaration and payment of dividends in excess of such amount.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter three of title LXII of the Revised Statutes of the United States is amended by striking the item relating to section 5199 and inserting the following:

''5199. National bank dividends.''.

SEC. 303. REPEAL OF OBSOLETE LIMITATION ON REMOVAL AUTHORITY OF THE COMPTROLLER OF THE CURRENCY.

Section 8(e)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)(4)) is amended by striking the 5th sentence.

SEC. 304. REPEAL OF OBSOLETE PROVISION IN THE REVISED STATUTES.

Section 5143 of the Revised Statutes of the United States (12 U.S.C. 59) is amended to read as follows:

''SEC. 5143. REDUCTION OF CAPITAL.

''(a) IN GENERAL.—Subject to the approval of the Comptroller of the Currency, a national banking association may, by a vote of shareholders owning, in the aggregate, two-thirds of its capital stock, reduce its capital.

''(b) SHAREHOLDER DISTRIBUTIONS AUTHORIZED.—As part of its capital reduction plan approved in accordance with subsection (a), and with the affirmative vote of shareholders owning at least two thirds of the shares of each class of its stock outstanding (each voting as a class), a national banking association may distribute cash or other assets to its shareholders.''.

SEC. 305. ENHANCING THE AUTHORITY FOR BANKS TO MAKE COMMUNITY DEVELOPMENT INVESTMENTS.

(a) NATIONAL BANKS.—The paragraph designated as the ''Eleventh.'' of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended to read as follows:

''Eleventh. To make investments directly or indirectly, each of which promotes the public welfare by benefiting primarily low- and moderate-income communities or families (such as by providing housing, services, or jobs). An association shall not make any such investment if

the investment would expose the association to unlimited liability. The Comptroller of the Currency shall limit an association's investments in any 1 project and an association's aggregate investments under this paragraph. An association's aggregate investments under this paragraph shall not exceed an amount equal to the sum of 5 percent of the association's capital stock actually paid in and unimpaired and 5 percent of the association's unimpaired surplus fund, unless the Comptroller determines by order that the higher amount will pose no significant risk to the affected deposit insurance fund, and the association is adequately capitalized. In no case shall an association's aggregate investments under this paragraph exceed an amount equal to the sum of 15 percent of the association's capital stock actually paid in and unimpaired and 15 percent of the association's unimpaired surplus fund. The foregoing standards and limitations apply to investments under this paragraph made by a national bank directly and by its subsidiaries.''.

(b) CONFORMING AMENDMENTS FOR STATE MEMBER BANKS.—The 23rd undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended to read as follows:

''(23) A State member bank may make investments directly or indirectly, each of which promotes the public welfare by benefiting primarily low- and moderate-income communities or families (such as by providing housing, services, or jobs), to the extent permissible under State law. A State member bank shall not make any such investment if the investment would expose the State member bank to unlimited liability. The Board shall limit a State member bank's investment in any 1 project and a State member bank's aggregate investments under this paragraph. The aggregate amount of investments of any State member bank under this paragraph may not exceed an amount equal to the sum of 5 percent of the State member bank's capital stock actually paid in and unimpaired and 5 percent of the State member bank's unimpaired surplus, unless the Board determines, by order, that a higher amount will pose no significant risk to the affected deposit insurance fund; and the State member bank is adequately capitalized. In no case shall the aggregate amount of investments of any State member bank under this paragraph exceed an amount equal to the sum of 15 percent of the State member bank's capital stock actually paid in and unimpaired and 15 percent of the State member bank's unimpaired surplus. The foregoing standards and limitations apply to investments under this paragraph made by a State member bank directly and by its subsidiaries.''.

TITLE IV—SAVINGS ASSOCIATION PROVISIONS

SEC. 401. PARITY FOR SAVINGS ASSOCIATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934 AND THE INVESTMENT ADVISERS ACT OF 1940.

(a) SECURITIES EXCHANGE ACT OF 1934.—

(1) DEFINITION OF BANK.—Section 3(a)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(6)) is amended—

(A) in subparagraph (A), by inserting ''or a Federal savings association, as defined in section 2(5) of the Home Owners' Loan Act'' after ''a banking institution organized under the laws of the United States''; and

(B) in subparagraph (C)—

(i) by inserting ''or savings association, as defined in section 2(4) of the Home Owners' Loan Act'' after ''banking institution''; and

(ii) by inserting ''or savings associations'' after ''having supervision over banks''.

(2) INCLUSION OF OTS UNDER THE DEFINITION OF APPROPRIATE REGULATORY AGENCY FOR CERTAIN PURPOSES.—Section 3(a)(34) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(34)) is amended—

(A) in subparagraph (A)—

(i) in clause (ii), by striking ''(i) or (iii)'' and inserting ''(i), (iii), or (iv)'';

(ii) in clause (iii), by striking ''and'' at the end;

(iii) by redesignating clause (iv) as clause (v); and

(iv) by inserting after clause (iii) the following:

''(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))), the deposits of which are insured by the Federal Deposit Insurance Corporation, a subsidiary or a department or division of any such savings association, or a savings and loan holding company; and'';

(B) in subparagraph (B)—

(i) in clause (ii), by striking ''(i) or (iii)'' and inserting ''(i), (iii), or (iv)'';

(ii) in clause (iii), by striking ''and'' at the end;

(iii) by redesignating clause (iv) as clause (v); and

(iv) by inserting after clause (iii) the following:

''(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))), the deposits of which are insured by the Federal Deposit Insurance Corporation, or a subsidiary of any such savings association, or a savings and loan holding company; and'';

(C) in subparagraph (C)—

(i) in clause (ii), by striking ''(i) or (iii)'' and inserting ''(i), (iii), or (iv)'';

(ii) in clause (iii), by striking ''and'' at the end;

(iii) by redesignating clause (iv) as clause (v); and

(iv) by inserting after clause (iii) the following:

''(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))), the deposits of which are insured by the Federal Deposit Insurance Corporation, a savings and loan holding company, or a subsidiary of a savings and loan holding company when the appropriate regulatory agency for such clearing agency is not the Commission; and'';

(D) in subparagraph (D)—

(i) in clause (ii), by striking ''and'' at the end;

(ii) by redesignating clause (iii) as clause (iv); and

(iii) by inserting after clause (ii) the following:

''(iii) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) the deposits of which are insured by the Federal Deposit Insurance Corporation; and'';

(E) in subparagraph (F)—

(i) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively; and

(ii) by inserting after clause (i) the following:

''(ii) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))), the deposits of which are insured by the Federal Deposit Insurance Corporation; and'';

(F) by moving subparagraph (H) and inserting such subparagraph immediately after subparagraph (G); and

(G) by adding at the end of the undesignated matter at the end the following: ''As used in this paragraph, the term 'savings and loan holding company' has the same meaning as in section 10(a) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)).''.

(3) CONFORMING EXEMPTION TO REPORTING REQUIREMENT.—Section 23(b)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78w(b)(1)) is amended by inserting ''other than the Office of Thrift Supervision,'' before ''shall each''.

(b) INVESTMENT ADVISERS ACT OF 1940.—

(1) DEFINITION OF BANK.—Section 202(a)(2) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(2)) is amended—

(A) in subparagraph (A), by inserting ''or a Federal savings association, as defined in section 2(5) of the Home Owners' Loan Act'' after ''a banking institution organized under the laws of the United States''; and

(B) in subparagraph (C)—

(i) by inserting '', savings association, as defined in section 2(4) of the Home Owners' Loan Act,'' after ''banking institution''; and

(ii) by inserting ''or savings associations'' after ''having supervision over banks''.

(2) CONFORMING AMENDMENTS.—Section 210A of the Investment Advisers Act of 1940 (15 U.S.C. 80b–10a) is amended in each of subsections (a)(1)(A)(i), (a)(1)(B), (a)(2), and (b), by striking ''bank holding company'' each place that term appears and inserting ''bank holding company or savings and loan holding company''.

(c) CONFORMING AMENDMENT TO THE INVESTMENT COMPANY ACT OF 1940.—Section 10(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–10(c)) is amended by inserting after ''1956)'' the following: ''or any one savings and loan holding company, together with its affiliates and subsidiaries (as such terms are defined in section 10 of the Home Owners' Loan Act),''.

SEC. 402. REPEAL OF OVERLAPPING RULES GOVERNING PURCHASED MORTGAGE SERVICING RIGHTS.

Section 5(t) of the Home Owners' Loan Act (12 U.S.C. 1464(t)) is amended—

(1) by striking paragraph (4) and inserting the following:

''(4) [Repealed].''; and

(2) in paragraph (9)(A), by striking ''intangible assets, plus'' and all that follows through the period at the end and inserting ''intangible assets.''.

SEC. 403. CLARIFYING CITIZENSHIP OF FEDERAL SAVINGS ASSOCIATIONS FOR FEDERAL COURT JURISDICTION.

Section 5 of the Home Owners' Loan Act (12 U.S.C. 1464) is amended by adding at the end the following:

''(x) HOME STATE CITIZENSHIP.—In determining whether a Federal court has diversity jurisdiction over a case in which a Federal savings association is a party, the Federal savings association shall be considered to be a citizen only of the State in which such savings association has its home office.''.

SEC. 404. REPEAL OF LIMITATION ON LOANS TO ONE BORROWER.

Section 5(u)(2)(A) of the Home Owners' Loan Act (12 U.S.C. 1464(u)(2)(A)) is amended—

(1) in clause (i)—

(A) by striking ''for any'' and inserting ''For any''; and

(B) by striking ''; or'' and inserting a period; and

(2) in clause (ii)—

(A) by striking ''to develop domestic'' and inserting ''To develop domestic'';

(B) by striking subclause (I); and

(C) by redesignating subclauses (II) through (V) as subclauses (I) through (IV), respectively.

TITLE V—CREDIT UNION PROVISIONS

SEC. 501. LEASES OF LAND ON FEDERAL FACILITIES FOR CREDIT UNIONS.

(a) IN GENERAL.—Section 124 of the Federal Credit Union Act (12 U.S.C. 1770) is amended—

(1) by striking ''Upon application by any credit union'' and inserting ''Notwithstanding any other provision of law, upon application by any credit union'';

(2) by inserting ''on lands reserved for the use of, and under the exclusive or concurrent jurisdiction of, the United States or'' after ''officer or agency of the United States charged with the allotment of space'';

(3) by inserting ''lease land or'' after ''such officer or agency may in his or its discretion''; and

(4) by inserting ''or the facility built on the lease land'' after ''credit union to be served by the allotment of space''.

(b) CLERICAL AMENDMENT.—The section heading for section 124 of the Federal Credit Union

*Act (12 U.S.C. 1770) is amended by inserting ''**or federal land**'' after ''**buildings**''.*

SEC. 502. INCREASE IN GENERAL 12-YEAR LIMITATION OF TERM OF FEDERAL CREDIT UNION LOANS TO 15 YEARS.

Section 107(5) of the Federal Credit Union Act (12 U.S.C. 1757(5)) is amended in the matter preceding subparagraph (A), by striking ''to make loans, the maturities of which shall not exceed twelve years'' and inserting ''to make loans, the maturities of which shall not exceed 15 years,''.

SEC. 503. CHECK CASHING AND MONEY TRANSFER SERVICES OFFERED WITHIN THE FIELD OF MEMBERSHIP.

Section 107(12) of the Federal Credit Union Act (12 U.S.C. 1757(12)) is amended to read as follows:

''(12) in accordance with regulations prescribed by the Board—

''(A) to sell, to persons in the field of membership, negotiable checks (including travelers checks), money orders, and other similar money transfer instruments (including international and domestic electronic fund transfers); and

''(B) to cash checks and money orders and receive international and domestic electronic fund transfers for persons in the field of membership for a fee;''.

SEC. 504. CLARIFICATION OF DEFINITION OF NET WORTH UNDER CERTAIN CIRCUMSTANCES FOR PURPOSES OF PROMPT CORRECTIVE ACTION.

Section 216(o)(2)(A) of the Federal Credit Union Act (12 U.S.C. 1790d(o)(2)(A)) is amended—

(1) by inserting ''the'' before ''retained earnings balance''; and

(2) by inserting '', together with any amounts that were previously retained earnings of any other credit union with which the credit union has combined'' before the semicolon at the end.

SEC. 505. AMENDMENTS RELATING TO NONFEDERALLY INSURED CREDIT UNIONS.

(a) IN GENERAL.—Subsection (a) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t(a)) is amended by adding at the end the following new paragraph:

''(3) ENFORCEMENT BY APPROPRIATE STATE SUPERVISOR.—Any appropriate State supervisor of a private deposit insurer, and any appropriate State supervisor of a depository institution which receives deposits that are insured by a private deposit insurer, may examine and enforce compliance with this subsection under the applicable regulatory authority of such supervisor.''.

(b) AMENDMENT RELATING TO DISCLOSURES REQUIRED, PERIODIC STATEMENTS, AND ACCOUNT RECORDS.—Section 43(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(b)(1)) is amended by striking ''or similar instrument evidencing a deposit'' and inserting ''or share certificate.''.

(c) AMENDMENTS RELATING TO DISCLOSURES REQUIRED, ADVERTISING, PREMISES.—Section 43(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(b)(2)) is amended to read as follows:

''(2) ADVERTISING; PREMISES.—

''(A) IN GENERAL.—Include clearly and conspicuously in all advertising, except as provided in subparagraph (B); and at each station or window where deposits are normally received, its principal place of business and all its branches where it accepts deposits or opens accounts (excluding automated teller machines or point of sale terminals), and on its main Internet page, a notice that the institution is not federally insured.

''(B) EXCEPTIONS.—The following need not include a notice that the institution is not federally insured:

''(i) Any sign, document, or other item that contains the name of the depository institution, its logo, or its contact information, but only if the sign, document, or item does not include any information about the institution's products or services or information otherwise promoting the institution.

''(ii) Small utilitarian items that do not mention deposit products or insurance if inclusion of the notice would be impractical.''.

(d) AMENDMENTS RELATING TO ACKNOWLEDGMENT OF DISCLOSURE.—Section 43(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(b)(3)) is amended to read as follows:

''(3) ACKNOWLEDGMENT OF DISCLOSURE.—

''(A) NEW DEPOSITORS OBTAINED OTHER THAN THROUGH A CONVERSION OR MERGER.—With respect to any depositor who was not a depositor at the depository institution before the effective date of the Financial Services Regulatory Relief Act of 2006, and who is not a depositor as described in subparagraph (B), receive any deposit for the account of such depositor only if the depositor has signed a written acknowledgement that—

''(i) the institution is not federally insured; and

''(ii) if the institution fails, the Federal Government does not guarantee that the depositor will get back the depositor's money.

''(B) NEW DEPOSITORS OBTAINED THROUGH A CONVERSION OR MERGER.—With respect to a depositor at a federally insured depository institution that converts to, or merges into, a depository institution lacking federal insurance after the effective date of the Financial Services Regulatory Relief Act of 2006, receive any deposit for the account of such depositor only if—

''(i) the depositor has signed a written acknowledgement described in subparagraph (A); or

''(ii) the institution makes an attempt, as described in subparagraph (D) and sent by mail no later than 45 days after the effective date of the conversion or merger, to obtain the acknowledgment.

''(C) CURRENT DEPOSITORS.—Receive any deposit after the effective date of the Financial Services Regulatory Relief Act of 2006 for the account of any depositor who was a depositor on that date only if—

''(i) the depositor has signed a written acknowledgement described in subparagraph (A); or

''(ii) the institution has complied with the provisions of subparagraph (E) which are applicable as of the date of the deposit.

''(D) ALTERNATIVE PROVISION OF NOTICE TO NEW DEPOSITORS OBTAINED THROUGH A CONVERSION OR MERGER.—

''(i) IN GENERAL.—Transmit to each depositor who has not signed a written acknowledgement described in subparagraph (A)—

''(I) a conspicuous card containing the information described in clauses (i) and (ii) of subparagraph (A), and a line for the signature of the depositor; and

''(II) accompanying materials requesting the depositor to sign the card, and return the signed card to the institution.

''(E) ALTERNATIVE PROVISION OF NOTICE TO CURRENT DEPOSITORS.—

''(i) IN GENERAL.—Transmit to each depositor who was a depositor before the effective date of the Financial Services Regulatory Relief Act of 2006, and has not signed a written acknowledgement described in subparagraph (A)—

''(I) a conspicuous card containing the information described in clauses (i) and (ii) of subparagraph (A), and a line for the signature of the depositor; and

''(II) accompanying materials requesting the depositor to sign the card, and return the signed card to the institution.

''(ii) MANNER AND TIMING OF NOTICE.—

''(I) FIRST NOTICE.—Make the transmission described in clause (i) via mail not later than three months after the effective date of the Financial Services Regulatory Relief Act of 2006.

''(II) SECOND NOTICE.—Make a second transmission described in clause (i) via mail not less than 30 days and not more than three months after a transmission to the depositor in accordance with subclause (I), if the institution has not, by the date of such mailing, received from the depositor a card referred to in clause (i) which has been signed by the depositor.''.

(e) AMENDMENTS RELATING TO MANNER AND CONTENT OF DISCLOSURE.—Section 43(c) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(c)) is amended to read as follows:

''(c) MANNER AND CONTENT OF DISCLOSURE.—To ensure that current and prospective customers understand the risks involved in foregoing Federal deposit insurance, the Federal Trade Commission, by regulation or order, shall prescribe the manner and content of disclosure required under this section, which shall be presented in such format and in such type size and manner as to be simple and easy to understand.''.

(f) REPEAL OF PROVISION PROHIBITING NONDEPOSITORY INSTITUTIONS FROM ACCEPTING DEPOSITS.—Section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(g) REPEAL OF FTC AUTHORITY TO ENFORCE INDEPENDENT AUDIT REQUIREMENT; CONCURRENT STATE ENFORCEMENT.—Subsection (f) (as so redesignated by subsection (e) of this section) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t) is amended to read as follows:

''(f) ENFORCEMENT.—

''(1) LIMITED FTC ENFORCEMENT AUTHORITY.—Compliance with the requirements of subsections (b), (c) and (e), and any regulation prescribed or order issued under any such subsection, shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission.

''(2) BROAD STATE ENFORCEMENT AUTHORITY.—

''(A) IN GENERAL.—Subject to subparagraph (C), an appropriate State supervisor of a depository institution lacking Federal deposit insurance may examine and enforce compliance with the requirements of this section, and any regulation prescribed under this section.

''(B) STATE POWERS.—For purposes of bringing any action to enforce compliance with this section, no provision of this section shall be construed as preventing an appropriate State supervisor of a depository institution lacking Federal deposit insurance from exercising any powers conferred on such official by the laws of such State.

''(C) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION PENDING.—If the Federal Trade Commission has instituted an enforcement action for a violation of this section, no appropriate State supervisor may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of this section that is alleged in that complaint.''.

TITLE VI—DEPOSITORY INSTITUTION PROVISIONS

SEC. 601. REPORTING REQUIREMENTS RELATING TO INSIDER LENDING.

(a) REPORTING REQUIREMENTS REGARDING LOANS TO EXECUTIVE OFFICERS OF MEMBER BANKS.—Section 22(g) of the Federal Reserve Act (12 U.S.C. 375a) is amended—

(1) by striking paragraphs (6) and (9); and

(2) by redesignating paragraphs (7), (8), and (10) as paragraphs (6), (7), and (8), respectively.

(b) REPORTING REQUIREMENTS REGARDING LOANS FROM CORRESPONDENT BANKS TO EXECUTIVE OFFICERS AND SHAREHOLDERS OF INSURED BANKS.—Section 106(b)(2) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972(2)) is amended—

(1) by striking subparagraph (G); and

(2) by redesignating subparagraphs (H) and (I) as subparagraphs (G) and (H), respectively.

SEC. 602. INVESTMENTS BY INSURED SAVINGS ASSOCIATIONS IN BANK SERVICE COMPANIES AUTHORIZED.

(a) IN GENERAL.—Sections 2 and 3 of the Bank Service Company Act (12 U.S.C. 1862, 1863) are

each amended by striking ''insured bank'' each place that term appears and inserting ''insured depository institution''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) BANK SERVICE COMPANY ACT DEFINITIONS.—Section 1(b) of the Bank Service Company Act (12 U.S.C. 1861(b)) is amended—

(A) in paragraph (4)—

(i) by inserting '', except when such term appears in connection with the term 'insured depository institution','' after ''means''; and

(ii) by striking ''Federal Home Loan Bank Board'' and inserting ''Director of the Office of Thrift Supervision'';

(B) by striking paragraph (5) and inserting the following:

''(5) INSURED DEPOSITORY INSTITUTION.—The term 'insured depository institution' has the same meaning as in section 3(c) of the Federal Deposit Insurance Act;'';

(C) by striking ''and'' at the end of paragraph (7);

(D) by striking the period at the end of paragraph (8) and inserting ''; and'';

(E) by adding at the end the following:

''(9) the terms 'State depository institution', 'Federal depository institution', 'State savings association' and 'Federal savings association' have the same meanings as in section 3 of the Federal Deposit Insurance Act.'';

(F) in paragraph (2), in subparagraphs (A)(ii) and (B)(ii), by striking ''insured banks'' each place that term appears and inserting ''insured depository institutions''; and

(G) in paragraph (8)—

(i) by striking ''insured bank'' and inserting ''insured depository institution'';

(ii) by striking ''insured banks'' each place that term appears and inserting ''insured depository institutions''; and

(iii) by striking ''the bank's'' and inserting ''the depository institution's''.

(2) AMOUNT OF INVESTMENT.—Section 2 of the Bank Service Company Act (12 U.S.C. 1862) is amended by inserting ''or savings associations, other than the limitation on the amount of investment by a Federal savings association contained in section 5(c)(4)(B) of the Home Owners' Loan Act'' after ''relating to banks''.

(3) LOCATION OF SERVICES.—Section 4 of the Bank Service Company Act (12 U.S.C. 1864) is amended—

(A) in subsection (b), by inserting ''as permissible under subsection (c), (d), or (e) or'' after ''Except'';

(B) in subsection (c), by inserting ''or State savings association'' after ''State bank'' each place that term appears;

(C) in subsection (d), by inserting ''or Federal savings association'' after ''national bank'' each place that term appears;

(D) by striking subsection (e) and inserting the following:

''(e) PERFORMANCE WHERE STATE BANK AND NATIONAL BANK ARE SHAREHOLDERS OR MEMBERS.—A bank service company may perform—

''(1) only those services that each depository institution shareholder or member is otherwise authorized to perform under any applicable Federal or State law; and

''(2) such services only at locations in a State in which each such shareholder or member is authorized to perform such services.''; and

(E) in subsection (f), by inserting ''or savings associations'' after ''location of banks''.

(4) PRIOR APPROVAL OF INVESTMENTS.—Section 5 of the Bank Service Company Act (12 U.S.C. 1865) is amended—

(A) in subsection (a)—

(i) by striking ''insured bank'' and inserting ''insured depository institution''; and

(ii) by striking ''bank's''; and

(iii) by inserting before the period ''for the insured depository institution'';

(B) in subsection (b)—

(i) by striking ''insured bank'' and inserting ''insured depository institution'';

(ii) by inserting ''authorized only'' after ''performs any service''; and

(iii) by inserting ''authorized only'' after ''perform any activity''; and

(C) in subsection (c)—

(i) by striking ''the bank or banks'' and inserting ''any insured depository institution''; and

(ii) by striking ''capability of the bank'' and inserting ''capability of the insured depository institution''.

(5) REGULATION AND EXAMINATION.—Section 7 of the Bank Service Company Act (12 U.S.C. 1867) is amended—

(A) in subsection (b), by striking ''insured bank'' and inserting ''insured depository institution''; and

(B) in subsection (c)—

(i) by striking ''a bank'' each place that term appears and inserting ''a depository institution''; and

(ii) by striking ''the bank'' each place that term appears and inserting ''the depository institution''.

SEC. 603. AUTHORIZATION FOR MEMBER BANK TO USE PASS-THROUGH RESERVE ACCOUNTS.

Section 19(c)(1)(B) of the Federal Reserve Act (12 U.S.C. 461(c)(1)(B)) is amended by striking ''which is not a member bank''.

SEC. 604. STREAMLINING REPORTS OF CONDITION.

Section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)) is amended by adding at the end the following:

''(11) STREAMLINING REPORTS OF CONDITION.—

''(A) REVIEW OF INFORMATION AND SCHEDULES.—Before the end of the 1-year period beginning on the date of enactment of the Financial Services Regulatory Relief Act of 2006 and before the end of each 5-year period thereafter, each Federal banking agency shall, in conjunction with the other relevant Federal banking agencies, review the information and schedules that are required to be filed by an insured depository institution in a report of condition required under paragraph (3).

''(B) REDUCTION OR ELIMINATION OF INFORMATION FOUND TO BE UNNECESSARY.—After completing the review required by subparagraph (A), a Federal banking agency, in conjunction with the other relevant Federal banking agencies, shall reduce or eliminate any requirement to file information or schedules under paragraph (3) (other than information or schedules that are otherwise required by law) if the agency determines that the continued collection of such information or schedules is no longer necessary or appropriate.''.

SEC. 605. EXPANSION OF ELIGIBILITY FOR 18-MONTH EXAMINATION SCHEDULE FOR COMMUNITY BANKS.

Section 10(d)(4)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)(4)(A)) is amended by striking ''$250,000,000'' and inserting ''$500,000,000''.

SEC. 606. STREAMLINING DEPOSITORY INSTITUTION MERGER APPLICATION REQUIREMENTS.

(a) IN GENERAL.—Section 18(c)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(4)) is amended to read as follows:

''(4) REPORTS ON COMPETITIVE FACTORS.—

''(A) REQUEST FOR REPORT.—In the interests of uniform standards and subject to subparagraph (B), before acting on any application for approval of a merger transaction, the responsible agency shall—

''(i) request a report on the competitive factors involved from the Attorney General of the United States; and

''(ii) provide a copy of the request to the Corporation (when the Corporation is not the responsible agency).

''(B) FURNISHING OF REPORT.—The report requested under subparagraph (A) shall be furnished by the Attorney General to the responsible agency—

''(i) not later than 30 calendar days after the date on which the Attorney General received the request; or

''(ii) not later than 10 calendar days after such date, if the requesting agency advises the Attorney General that an emergency exists requiring expeditious action.

''(C) EXCEPTIONS.—A responsible agency may not be required to request a report under subparagraph (A) if—

''(i) the responsible agency finds that it must act immediately in order to prevent the probable failure of 1 of the insured depository institutions involved in the merger transaction; or

''(ii) the merger transaction involves solely an insured depository institution and 1 or more of the affiliates of such depository institution.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 18(c)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(6)) is amended—

(1) in the second sentence, by striking ''banks or savings associations involved and reports on the competitive factors have'' and inserting ''insured depository institutions involved, or if the proposed merger transaction is solely between an insured depository institution and 1 or more of its affiliates, and the report on the competitive factors has''; and

(2) by striking the penultimate sentence and inserting the following: ''If the agency has advised the Attorney General under paragraph (4)(B)(ii) of the existence of an emergency requiring expeditious action and has requested a report on the competitive factors within 10 days, the transaction may not be consummated before the fifth calendar day after the date of approval by the agency.''.

SEC. 607. NONWAIVER OF PRIVILEGES.

(a) INSURED DEPOSITORY INSTITUTIONS.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following:

''(x) PRIVILEGES NOT AFFECTED BY DISCLOSURE TO BANKING AGENCY OR SUPERVISOR.—

''(1) IN GENERAL.—The submission by any person of any information to any Federal banking agency, State bank supervisor, or foreign banking authority for any purpose in the course of any supervisory or regulatory process of such agency, supervisor, or authority shall not be construed as waiving, destroying, or otherwise affecting any privilege such person may claim with respect to such information under Federal or State law as to any person or entity other than such agency, supervisor, or authority.

''(2) RULE OF CONSTRUCTION.—No provision of paragraph (1) may be construed as implying or establishing that—

''(A) any person waives any privilege applicable to information that is submitted or transferred under any circumstance to which paragraph (1) does not apply; or

''(B) any person would waive any privilege applicable to any information by submitting the information to any Federal banking agency, State bank supervisor, or foreign banking authority, but for this subsection.''

(b) INSURED CREDIT UNIONS.—Section 205 of the Federal Credit Union Act (12 U.S.C.1785) is amended by adding at the end the following:

''(j) PRIVILEGES NOT AFFECTED BY DISCLOSURE TO BANKING AGENCY OR SUPERVISOR.—

''(1) IN GENERAL.—The submission by any person of any information to the Administration, any State credit union supervisor, or foreign banking authority for any purpose in the course of any supervisory or regulatory process of such Board, supervisor, or authority shall not be construed as waiving, destroying, or otherwise affecting any privilege such person may claim with respect to such information under Federal or State law as to any person or entity other than such Board, supervisor, or authority.

''(2) RULE OF CONSTRUCTION.—No provision of paragraph (1) may be construed as implying or establishing that—

''(A) any person waives any privilege applicable to information that is submitted or transferred under any circumstance to which paragraph (1) does not apply; or

''(B) any person would waive any privilege applicable to any information by submitting the information to the Administration, any State credit union supervisor, or foreign banking authority, but for this subsection.''.

SEC. 608. CLARIFICATION OF APPLICATION REQUIREMENTS FOR OPTIONAL CONVERSION FOR FEDERAL SAVINGS ASSOCIATIONS.

(a) HOME OWNERS' LOAN ACT.—Section 5(i)(5) of the Home Owners' Loan Act (12 U.S.C. 1464(i)(5)) is amended to read as follows:

''(5) CONVERSION TO NATIONAL OR STATE BANK.—

''(A) IN GENERAL.—Any Federal savings association chartered and in operation before the date of enactment of the Gramm-Leach-Bliley Act, with branches in operation before such date of enactment in 1 or more States, may convert, at its option, with the approval of the Comptroller of the Currency for each national bank, and with the approval of the appropriate State bank supervisor and the appropriate Federal banking agency for each State bank, into 1 or more national or State banks, each of which may encompass 1 or more of the branches of the Federal savings association in operation before such date of enactment in 1 or more States subject to subparagraph (B).

''(B) CONDITIONS OF CONVERSION.—The authority in subparagraph (A) shall apply only if each resulting national or State bank—

''(i) will meet all financial, management, and capital requirements applicable to the resulting national or State bank; and

''(ii) if more than 1 national or State bank results from a conversion under this subparagraph, has received approval from the Federal Deposit Insurance Corporation under section 5(a) of the Federal Deposit Insurance Act.

''(C) NO MERGER APPLICATION UNDER FDIA REQUIRED.—No application under section 18(c) of the Federal Deposit Insurance Act shall be required for a conversion under this paragraph.

''(D) DEFINITIONS.—For purposes of this paragraph, the terms 'State bank' and 'State bank supervisor' have the same meanings as in section 3 of the Federal Deposit Insurance Act.''.

(b) FEDERAL DEPOSIT INSURANCE ACT.—Section 4(c) of the Federal Deposit Insurance Act (12 U.S.C. 1814(c)) is amended—

(1) by inserting ''of this Act and section 5(i)(5) of the Home Owners' Loan Act'' after ''Subject to section 5(d)''; and

(2) in paragraph (2), after ''insured State,'' by inserting ''or Federal''.

SEC. 609. EXEMPTION FROM DISCLOSURE OF PRIVACY POLICY FOR ACCOUNTANTS.

(a) IN GENERAL.—Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding at the end the following:

''(d) EXEMPTION FOR CERTIFIED PUBLIC ACCOUNTANTS.—

''(1) IN GENERAL.—The disclosure requirements of subsection (a) do not apply to any person, to the extent that the person is—

''(A) a certified public accountant;

''(B) certified or licensed for such purpose by a State; and

''(C) subject to any provision of law, rule, or regulation issued by a legislative or regulatory body of the State, including rules of professional conduct or ethics, that prohibits disclosure of nonpublic personal information without the knowing and expressed consent of the consumer.

''(2) LIMITATION.—Nothing in this subsection shall be construed to exempt or otherwise exclude any financial institution that is affiliated or becomes affiliated with a certified public accountant described in paragraph (1) from any provision of this section.

''(3) DEFINITIONS.—For purposes of this subsection, the term 'State' means any State or territory of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, or the Northern Mariana Islands.''.

(b) CLERICAL AMENDMENTS.—Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) in subsection (a), by striking ''Such disclosures'' and inserting the following:

''(b) REGULATIONS.—Disclosures required by subsection (a)''.

SEC. 610. INFLATION ADJUSTMENT FOR THE SMALL DEPOSITORY INSTITUTION EXCEPTION UNDER THE DEPOSITORY INSTITUTION MANAGEMENT INTERLOCKS ACT.

Section 203(1) of the Depository Institution Management Interlocks Act (12 U.S.C. 3202(1)) is amended by striking ''$20,000,000'' and inserting ''$50,000,000''.

SEC. 611. MODIFICATION TO CROSS MARKETING RESTRICTIONS.

Section 4(n)(5)(B) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(n)(5)(B)) is amended by striking ''subsection (k)(4)(I)'' and inserting ''subparagraph (H) or (I) of subsection (k)(4)''.

TITLE VII—BANKING AGENCY PROVISIONS

SEC. 701. STATUTE OF LIMITATIONS FOR JUDICIAL REVIEW OF APPOINTMENT OF A RECEIVER FOR DEPOSITORY INSTITUTIONS.

(a) NATIONAL BANKS.—Section 2 of the National Bank Receivership Act (12 U.S.C. 191) is amended—

(1) by amending the section heading to read as follows:

''SEC. 2. APPOINTMENT OF RECEIVER FOR A NATIONAL BANK.

''(a) IN GENERAL.—The Comptroller of the Currency''; and

(2) by adding at the end the following:

''(b) JUDICIAL REVIEW.—If the Comptroller of the Currency appoints a receiver under subsection (a), the national bank may, within 30 days thereafter, bring an action in the United States district court for the judicial district in which the home office of such bank is located, or in the United States District Court for the District of Columbia, for an order requiring the Comptroller of the Currency to remove the receiver, and the court shall, upon the merits, dismiss such action or direct the Comptroller of the Currency to remove the receiver.''.

(b) INSURED DEPOSITORY INSTITUTIONS.—Section 11(c)(7) of the Federal Deposit Insurance Act (12 U.S.C. 1821(c)(7)) is amended to read as follows:

''(7) JUDICIAL REVIEW.—If the Corporation is appointed (including the appointment of the Corporation as receiver by the Board of Directors) as conservator or receiver of a depository institution under paragraph (4), (9), or (10), the depository institution may, not later than 30 days thereafter, bring an action in the United States district court for the judicial district in which the home office of such depository institution is located, or in the United States District Court for the District of Columbia, for an order requiring the Corporation to be removed as the conservator or receiver (regardless of how such appointment was made), and the court shall, upon the merits, dismiss such action or direct the Corporation to be removed as the conservator or receiver.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to conservators or receivers appointed on or after the date of enactment of this Act.

SEC. 702. ENHANCING THE SAFETY AND SOUNDNESS OF INSURED DEPOSITORY INSTITUTIONS.

(a) CLARIFICATION RELATING TO THE ENFORCEABILITY OF AGREEMENTS AND CONDITIONS.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following:

''SEC. 50. ENFORCEMENT OF AGREEMENTS.

''(a) IN GENERAL.—Notwithstanding clause (i) or (ii) of section 8(b)(6)(A) or section 38(e)(2)(E)(i), the appropriate Federal banking agency for a depository institution may enforce, under section 8, the terms of—

''(1) any condition imposed in writing by the agency on the depository institution or an institution-affiliated party in connection with any action on any application, notice, or other request concerning the depository institution; or

''(2) any written agreement entered into between the agency and the depository institution or an institution-affiliated party.

''(b) RECEIVERSHIPS AND CONSERVATORSHIPS.—After the appointment of the Corporation as the receiver or conservator for a depository institution, the Corporation may enforce any condition or agreement described in paragraph (1) or (2) of subsection (a) imposed on or entered into with such institution or institution-affiliated party through an action brought in an appropriate United States district court.''.

(b) PROTECTION OF CAPITAL OF INSURED DEPOSITORY INSTITUTIONS.—Section 18(u)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1828(u)(1)) is amended—

(1) by striking subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (B); and

(3) in subparagraph (A), by adding ''and'' at the end.

(c) CONFORMING AMENDMENTS.—Section 8(b) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)) is amended—

(1) in paragraph (3), by striking ''This subsection and subsections (c) through (s) and subsection (u) of this section'' and inserting ''This subsection, subsections (c) through (s) and subsection (u) of this section, and section 50 of this Act''; and

(2) in paragraph (4), by striking ''This subsection and subsections (c) through (s) and subsection (u) of this section'' and inserting ''This subsection, subsections (c) through (s) and subsection (u) of this section, and section 50 of this Act''.

SEC. 703. CROSS GUARANTEE AUTHORITY.

Section 5(e)(9)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1815(e)(9)(A)) is amended to read as follows:

''(A) such institutions are controlled by the same company; or''.

SEC. 704. GOLDEN PARACHUTE AUTHORITY AND NONBANK HOLDING COMPANIES.

Section 18(k) of the Federal Deposit Insurance Act (12 U.S.C. 1828(k)) is amended—

(1) in paragraph (2)(A), by striking ''or depository institution holding company'' and inserting ''or covered company'';

(2) in paragraph (2), by striking subparagraph (B), and inserting the following:

''(B) Whether there is a reasonable basis to believe that the institution-affiliated party is substantially responsible for—

''(i) the insolvency of the depository institution or covered company;

''(ii) the appointment of a conservator or receiver for the depository institution; or

''(iii) the troubled condition of the depository institution (as defined in the regulations prescribed pursuant to section 32(f)).'';

(3) in paragraph (2)(F), by striking ''depository institution holding company'' and inserting ''covered company,'';

(4) in paragraph (3) in the matter preceding subparagraph (A), by striking ''depository institution holding company'' and inserting ''covered company'';

(5) in paragraph (3)(A), by striking ''holding company'' and inserting ''covered company'';

(6) in paragraph (4)(A)—

(A) by striking ''depository institution holding company'' each place that term appears and inserting ''covered company''; and

(B) by striking ''holding company'' each place that term appears (other than in connection with the term referred to in subparagraph (A)) and inserting ''covered company'';

(7) in paragraph (5)(A), by striking ''depository institution holding company'' and inserting ''covered company'';

(8) in paragraph (5), by adding at the end the following:

''(D) COVERED COMPANY.—The term 'covered company' means any depository institution holding company (including any company required to file a report under section 4(f)(6) of the Bank Holding Company Act of 1956), or any other company that controls an insured depository institution.''; and

(9) in paragraph (6)—

(A) by striking ''depository institution holding company'' and inserting ''covered company,''; and

(B) by striking ''or holding company'' and inserting ''or covered company''.

SEC. 705. AMENDMENTS RELATING TO CHANGE IN BANK CONTROL.

Section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)) is amended—

(1) in paragraph (1)(D)—

(A) by striking ''is needed to investigate'' and inserting ''is needed—

''(i) to investigate'';

(B) by striking ''United States Code.'' and inserting ''United States Code; or''; and

(C) by adding at the end the following:

''(ii) to analyze the safety and soundness of any plans or proposals described in paragraph (6)(E) or the future prospects of the institution.''; and

(2) in paragraph (7)(C), by striking ''the financial condition of any acquiring person'' and inserting ''either the financial condition of any acquiring person or the future prospects of the institution''.

SEC. 706. AMENDMENT TO PROVIDE THE FEDERAL RESERVE BOARD WITH DISCRETION CONCERNING THE IMPUTATION OF CONTROL OF SHARES OF A COMPANY BY TRUSTEES.

Section 2(g)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(2)) is amended by inserting before the period at the end '', unless the Board determines that such treatment is not appropriate in light of the facts and circumstances of the case and the purposes of this Act''.

SEC. 707. INTERAGENCY DATA SHARING.

(a) FEDERAL BANKING AGENCIES.—Section 7(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(2)) is amended by adding at the end the following:

''(C) DATA SHARING WITH OTHER AGENCIES AND PERSONS.—In addition to reports of examination, reports of condition, and other reports required to be regularly provided to the Corporation (with respect to all insured depository institutions, including a depository institution for which the Corporation has been appointed conservator or receiver) or an appropriate State bank supervisor (with respect to a State depository institution) under subparagraph (A) or (B), a Federal banking agency may, in the discretion of the agency, furnish any report of examination or other confidential supervisory information concerning any depository institution or other entity examined by such agency under authority of any Federal law, to—

''(i) any other Federal or State agency or authority with supervisory or regulatory authority over the depository institution or other entity;

''(ii) any officer, director, or receiver of such depository institution or entity; and

''(iii) any other person that the Federal banking agency determines to be appropriate.''.

(b) NATIONAL CREDIT UNION ADMINISTRATION.—Section 202(a) of the Federal Credit Union Act (12 U.S.C. 1782(a)) is amended by adding at the end the following:

''(8) DATA SHARING WITH OTHER AGENCIES AND PERSONS.—In addition to reports of examination, reports of condition, and other reports required to be regularly provided to the Board (with respect to all insured credit unions, including a credit union for which the Corporation has been appointed conservator or liquidating agent) or an appropriate State commission, board, or authority having supervision of a State-chartered credit union, the Board may, in the discretion of the Board, furnish any report of examination or other confidential supervisory information concerning any credit union or other entity examined by the Board under authority of any Federal law, to—

''(A) any other Federal or State agency or authority with supervisory or regulatory authority over the credit union or other entity;

''(B) any officer, director, or receiver of such credit union or entity; and

''(C) any other person that the Board determines to be appropriate.''.

SEC. 708. CLARIFICATION OF EXTENT OF SUSPENSION, REMOVAL, AND PROHIBITION AUTHORITY OF FEDERAL BANKING AGENCIES IN CASES OF CERTAIN CRIMES BY INSTITUTION-AFFILIATED PARTIES.

(a) INSURED DEPOSITORY INSTITUTIONS.—

(1) IN GENERAL.—Section 8(g)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1818(g)(1)) is amended—

(A) in subparagraph (A)—

(i) by striking ''is charged in any information, indictment, or complaint, with the commission of or participation in'' and inserting ''is the subject of any information, indictment, or complaint, involving the commission of or participation in'';

(ii) by striking ''may pose a threat to the interests of the depository institution's depositors or may threaten to impair public confidence in the depository institution,'' and insert ''posed, poses, or may pose a threat to the interests of the depositors of, or threatened, threatens, or may threaten to impair public confidence in, any relevant depository institution (as defined in subparagraph (E)),''; and

(iii) by striking ''affairs of the depository institution'' and inserting ''affairs of any depository institution'';

(B) in subparagraph (B)(i), by striking ''the depository institution'' and inserting ''any depository institution that the subject of the notice is affiliated with at the time the notice is issued'';

(C) in subparagraph (C)(i)—

(i) by striking ''may pose a threat to the interests of the depository institution's depositors or may threaten to impair public confidence in the depository institution,'' and insert ''posed, poses, or may pose a threat to the interests of the depositors of, or threatened, threatens, or may threaten to impair public confidence in, any relevant depository institution (as defined in subparagraph (E)),''; and

(ii) by striking ''affairs of the depository institution'' and inserting ''affairs of any depository institution'';

(D) in subparagraph (C)(ii), by striking ''affairs of the depository institution'' and inserting ''affairs of any depository institution'';

(E) in subparagraph (D)(i), by striking ''the depository institution'' and inserting ''any depository institution that the subject of the order is affiliated with at the time the order is issued''; and

(F) by adding at the end the following:

''(E) RELEVANT DEPOSITORY INSTITUTION.—For purposes of this subsection, the term 'relevant depository institution' means any depository institution of which the party is or was an institution-affiliated party at the time at which—

''(i) the information, indictment, or complaint described in subparagraph (A) was issued; or

''(ii) the notice is issued under subparagraph (A) or the order is issued under subparagraph (C)(i).''.

(2) CLERICAL AMENDMENT.—The subsection heading for section 8(g) of the Federal Deposit Insurance Act (12 U.S.C. 1818(g)) is amended to read as follows:

''(g) SUSPENSION, REMOVAL, AND PROHIBITION FROM PARTICIPATION ORDERS IN THE CASE OF CERTAIN CRIMINAL OFFENSES.—''.

(b) INSURED CREDIT UNIONS.—

(1) IN GENERAL.—Section 206(i)(1) of the Federal Credit Union Act (12 U.S.C. 1786(i)(1)) is amended—

(A) in subparagraph (A), by striking ''the credit union'' each place that term appears and inserting ''any credit union'';

(B) in subparagraph (B)(i), by inserting ''of which the subject of the order is, or most recently was, an institution-affiliated party'' before the period at the end;

(C) in subparagraph (C)—

(i) by striking ''the credit union'' each place such term appears and inserting ''any credit union''; and

(ii) by striking ''the credit union's'' and inserting ''any credit union's'';

(D) in subparagraph (D)(i), by striking ''upon such credit union'' and inserting ''upon the credit union of which the subject of the order is, or most recently was, an institution-affiliated party''; and

(E) by adding at the end the following:

''(E) CONTINUATION OF AUTHORITY.—The Board may issue an order under this paragraph with respect to an individual who is an institution-affiliated party at a credit union at the time of an offense described in subparagraph (A) without regard to—

''(i) whether such individual is an institution-affiliated party at any credit union at the time the order is considered or issued by the Board; or

''(ii) whether the credit union at which the individual was an institution-affiliated party at the time of the offense remains in existence at the time the order is considered or issued by the Board.''.

(2) CLERICAL AMENDMENT.—Section 206(i) of the Federal Credit Union Act (12 U.S.C. 1786(i)) is amended by striking ''(i)'' at the beginning and inserting the following:

''(i) SUSPENSION, REMOVAL, AND PROHIBITION FROM PARTICIPATION ORDERS IN THE CASE OF CERTAIN CRIMINAL OFFENSES.—''.

SEC. 709. PROTECTION OF CONFIDENTIAL INFORMATION RECEIVED BY FEDERAL BANKING REGULATORS FROM FOREIGN BANKING SUPERVISORS.

Section 15 of the International Banking Act of 1978 (12 U.S.C. 3109) is amended by adding at the end the following:

''(c) CONFIDENTIAL INFORMATION RECEIVED FROM FOREIGN SUPERVISORS.—

''(1) IN GENERAL.—Except as provided in paragraph (3), a Federal banking agency may not be compelled to disclose information received from aforeign regulatory or supervisory authority if—

''(A) the Federal banking agency determines that the foreign regulatory or supervisory authority has, in good faith, determined and represented in writing to such Federal banking agency that public disclosure of the information would violate the laws applicable to that foreign regulatory or supervisory authority; and

''(B) the relevant Federal banking agency obtained such information pursuant to—

''(i) such procedures as the Federal banking agency may establish for use in connection with the administration and enforcement of Federal banking laws; or

''(ii) a memorandum of understanding or other similar arrangement between the Federal banking agency and the foreign regulatory or supervisory authority.

''(2) TREATMENT UNDER TITLE 5, UNITED STATES CODE.—For purposes of section 552 of title 5, United States Code, this subsection shall be treated as a statute described in subsection (b)(3)(B) of such section.

''(3) SAVINGS PROVISION.—No provision of this section shall be construed as—

''(A) authorizing any Federal banking agency to withhold any information from any duly authorized committee of the House of Representatives or the Senate; or

''(B) preventing any Federal banking agency from complying with an order of a court of the United States in an action commenced by the United States or such agency.

''(4) FEDERAL BANKING AGENCY DEFINED.—For purposes of this subsection, the term 'Federal banking agency' means the Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Director of the Office of Thrift Supervision.''.

SEC. 710. PROHIBITION ON PARTICIPATION BY CONVICTED INDIVIDUALS.

(a) EXTENSION OF AUTOMATIC PROHIBITION.—Section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) is amended by adding at the end the following new subsections:

''(d) BANK HOLDING COMPANIES.—

''(1) IN GENERAL.—Subsections (a) and (b) shall apply to any company (other than a foreign bank) that is a bank holding company and any organization organized and operated under section 25A of the Federal Reserve Act or operating under section 25 of the Federal Reserve Act, as if such bank holding company or organization were an insured depository institution, except that such subsections shall be applied for purposes of this subsection by substituting 'Board of Governors of the Federal Reserve System' for 'Corporation' each place that term appears in such subsections.

''(2) AUTHORITY OF BOARD.—The Board of Governors of the Federal Reserve System may provide exemptions, by regulation or order, from the application of paragraph (1) if the exemption is consistent with the purposes of this subsection.

''(e) SAVINGS AND LOAN HOLDING COMPANIES.—

''(1) IN GENERAL.—Subsections (a) and (b) shall apply to any savings and loan holding company as if such savings and loan holding company were an insured depository institution, except that such subsections shall be applied for purposes of this subsection by substituting 'Director of the Office of Thrift Supervision' for 'Corporation' each place that term appears in such subsections.

''(2) AUTHORITY OF DIRECTOR.—The Director of the Office of Thrift Supervision may provide exemptions, by regulation or order, from the application of paragraph (1) if the exemption is consistent with the purposes of this subsection.''.

(b) ENHANCED DISCRETION TO REMOVE CONVICTED INDIVIDUALS.—Section 8(e)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)(2)(A)) is amended—

(1) by striking ''or'' at the end of clause (ii);

(2) by striking the comma at the end of clause (iii) and inserting ''; or''; and

''(3) by adding at the end the following new clause:

''(iv) an institution-affiliated party of a subsidiary (other than a bank) of a bank holding company or of a subsidiary (other than a savings association) of a savings and loan holding company has been convicted of any criminal offense involving dishonesty or a breach of trust or a criminal offense under section 1956, 1957, or 1960 of title 18, United States Code, or has agreed to enter into a pretrial diversion or similar program in connection with a prosecution for such an offense,''.

SEC. 711. COORDINATION OF STATE EXAMINATION AUTHORITY.

Section 10(h) of the Federal Deposit Insurance Act (12 U.S.C. 1820(h)) is amended to read as follows:

''(h) COORDINATION OF EXAMINATION AUTHORITY.—

''(1) STATE BANK SUPERVISORS OF HOME AND HOST STATES.—

''(A) HOME STATE OF BANK.—The appropriate State bank supervisor of the home State of an insured State bank has authority to examine and supervise the bank.

''(B) HOST STATE BRANCHES.—The State bank supervisor of the home State of an insured State bank and any State bank supervisor of an appropriate host State shall exercise its respective authority to supervise and examine the branches of the bank in a host State in accordance with the terms of any applicable cooperative agreement between the home State bank supervisor and the State bank supervisor of the relevant host State.

''(C) SUPERVISORY FEES.—Except as expressly provided in a cooperative agreement between the State bank supervisors of the home State and any host State of an insured State bank, only the State bank supervisor of the home State of an insured State bank may levy or charge State supervisory fees on the bank.

''(2) HOST STATE EXAMINATION.—

''(A) IN GENERAL.—With respect to a branch operated in a host State by an out-of-State insured State bank that resulted from an interstate merger transaction approved under section 44, or that was established in such State pursuant to section 5155(g) of the Revised Statutes of the United States, the third undesignated paragraph of section 9 of the Federal Reserve Act or section 18(d)(4) of this Act, the appropriate State bank supervisor of such host State may—

''(i) with written notice to the State bank supervisor of the bank's home State and subject to the terms of any applicable cooperative agreement with the State bank supervisor of such home State, examine such branch for the purpose of determining compliance with host State laws that are applicable pursuant to section 24(j), including those that govern community reinvestment, fair lending, and consumer protection; and

''(ii) if expressly permitted under and subject to the terms of a cooperative agreement with the State bank supervisor of the bank's home State or if such out-of-State insured State bank has been determined to be in a troubled condition by either the State bank supervisor of the bank's home State or the bank's appropriate Federal banking agency, participate in the examination of the bank by the State bank supervisor of the bank's home State to ascertain that the activities of the branch in such host State are not conducted in an unsafe or unsound manner.

''(B) NOTICE OF DETERMINATION.—

''(i) IN GENERAL.—The State bank supervisor of the home State of an insured State bank shall notify the State bank supervisor of each host State of the bank if there has been a final determination that the bank is in a troubled condition.

''(ii) TIMING OF NOTICE.—The State bank supervisor of the home State of an insured State bank shall provide notice under clause (i) as soon as is reasonably possible, but in all cases not later than 15 business days after the date on which the State bank supervisor has made such final determination or has received written notification of such final determination.

''(3) HOST STATE ENFORCEMENT.—If the State bank supervisor of a host State determines that a branch of an out-of-State insured State bank is violating any law of the host State that is applicable to such branch pursuant to section 24(j), including a law that governs community reinvestment, fair lending, or consumer protection, the State bank supervisor of the host State or, to the extent authorized by the law of the host State, a host State law enforcement officer may, with written notice to the State bank supervisor of the bank's home State and subject to the terms of any applicable cooperative agreement with the State bank supervisor of the bank's home State, undertake such enforcement actions and proceedings as would be permitted under the law of the host State as if the branch were a bank chartered by that host State.

''(4) COOPERATIVE AGREEMENT.—

''(A) IN GENERAL.—The State bank supervisors from 2 or more States may enter into cooperative agreements to facilitate State regulatory supervision of State banks, including cooperative agreements relating to the coordination of examinations and joint participation in examinations.

''(B) DEFINITION.—For purposes of this subsection, the term 'cooperative agreement' means a written agreement that is signed by the home State bank supervisor and the host State bank supervisor to facilitate State regulatory supervision of State banks, and includes nationwide or multi-State cooperative agreements and cooperative agreements solely between the home State and host State.

''(C) RULE OF CONSTRUCTION.—Except for State bank supervisors, no provision of this subsection relating to such cooperative agreements shall be construed as limiting in any way the authority of home State and host State law enforcement officers, regulatory supervisors, or other officials that have not signed such cooperative agreements to enforce host State laws that are applicable to a branch of an out-of-State insured State bank located in the host State pursuant to section 24(j).

''(5) FEDERAL REGULATORY AUTHORITY.—No provision of this subsection shall be construed as limiting in any way the authority of any Federal banking agency.

''(6) STATE TAXATION AUTHORITY NOT AFFECTED.—No provision of this subsection shall be construed as affecting the authority of any State or political subdivision of any State to adopt, apply, or administer any tax or method of taxation to any bank, bank holding company, or foreign bank, or any affiliate of any bank, bank holding company, or foreign bank, to the extent that such tax or tax method is otherwise permissible by or under the Constitution of the United States or other Federal law.

''(7) DEFINITIONS.—For purpose of this section, the following definitions shall apply:

''(A) HOST STATE, HOME STATE, OUT-OF-STATE BANK.—The terms 'host State', 'home State', and 'out-of-State bank' have the same meanings as in section 44(g).

''(B) STATE SUPERVISORY FEES.—The term 'State supervisory fees' means assessments, examination fees, branch fees, license fees, and all other fees that are levied or charged by a State bank supervisor directly upon an insured State bank or upon branches of an insured State bank.

''(C) TROUBLED CONDITION.—Solely for purposes of paragraph (2)(B), an insured State bank has been determined to be in 'troubled condition' if the bank—

''(i) has a composite rating, as determined in its most recent report of examination, of 4 or 5 under the Uniform Financial Institutions Ratings System;

''(ii) is subject to a proceeding initiated by the Corporation for termination or suspension of deposit insurance; or

''(iii) is subject to a proceeding initiated by the State bank supervisor of the bank's home State to vacate, revoke, or terminate the charter of the bank, or to liquidate the bank, or to appoint a receiver for the bank.

''(D) FINAL DETERMINATION.—For purposes of paragraph (2)(B), the term 'final determination' means the transmittal of a report of examination to the bank or transmittal of official notice of proceedings to the bank.''.

SEC. 712. DEPUTY DIRECTOR; SUCCESSION AUTHORITY FOR DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION.

(a) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR.—Section 3(c)(5) of the Home Owners' Loan Act (12 U.S.C. 1462a(c)(5)) is amended to read as follows:

''(5) DEPUTY DIRECTOR.—

''(A) IN GENERAL.—The Secretary of the Treasury shall appoint a Deputy Director, and may appoint not more than 3 additional Deputy Directors of the Office.

''(B) FIRST DEPUTY DIRECTOR.—If the Secretary of the Treasury appoints more than 1

Deputy Director of the Office, the Secretary shall designate one such appointee as the First Deputy Director.

''(C) DUTIES.—Each Deputy Director appointed under this paragraph shall take an oath of office and perform such duties as the Director shall direct.

''(D) COMPENSATION AND BENEFITS.—The Director shall fix the compensation and benefits for each Deputy Director in accordance with this Act.''.

(b) SERVICE OF DEPUTY DIRECTOR AS ACTING DIRECTOR.—Section 3(c)(3) of the Home Owners' Loan Act (12 U.S.C. 1462a(c)(3)) is amended—

*(1) by striking ''**VACANCY**.—A vacancy in the position of Director'' and inserting ''**VACANCY**.—*

''(A) IN GENERAL.—A vacancy in the position of Director''; and

(2) by adding at the end the following:

''(B) ACTING DIRECTOR.—

''(i) IN GENERAL.—In the event of a vacancy in the position of Director or during the absence or disability of the Director, the Deputy Director shall serve as Acting Director.

''(ii) SUCCESSION IN CASE OF 2 OR MORE DEPUTY DIRECTORS.—If there are 2 or more Deputy Directors serving at the time a vacancy in the position of Director occurs or the absence or disability of the Director commences, the First Deputy Director shall serve as Acting Director under clause (i) followed by such other Deputy Directors under any order of succession the Director may establish.

''(iii) AUTHORITY OF ACTING DIRECTOR.—Any Deputy Director, while serving as Acting Director under this subparagraph, shall be vested with all authority, duties, and privileges of the Director under this Act and any other provision of Federal law.''.

SEC. 713. OFFICE OF THRIFT SUPERVISION REPRESENTATION ON BASEL COMMITTEE ON BANKING SUPERVISION.

(a) IN GENERAL.—Section 912 of the International Lending Supervision Act of 1983 (12 U.S.C. 3911) is amended—

*(1) in the section heading, by inserting at the end the following: ''**AND THE OFFICE OF THRIFT SUPERVISION**'';*

(2) by striking ''As one of the three'' and inserting the following:

''(a) IN GENERAL.—As one of the 4''; and

(3) by adding at the end the following:

''(b) As one of the 4 Federal bank regulatory and supervisory agencies, the Office of Thrift Supervision shall be given equal representation with the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, and the Federal Deposit Insurance Corporation on the Committee on Banking Regulations and Supervisory Practices of the Group of Ten Countries and Switzerland.''.

(b) CONFORMING AMENDMENTS.—Section 910(a) of the International Lending Supervision Act of 1983 (12 U.S.C. 3909(a)) is amended—

(1) in paragraph (2), by striking ''insured bank'' and inserting ''insured depository institution''; and

(2) in paragraph (3), by striking ''an 'insured bank', as such term is used in section 3(h)'' and inserting ''an 'insured depository institution', as such term is defined in section 3(c)(2)''.

SEC. 714. FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.

(a) COUNCIL MEMBERSHIP.—Section 1004(a) of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3303(a)) is amended—

(1) in paragraph (4), by striking ''Thrift'' and all that follows through the end of the paragraph and inserting ''Thrift Supervision,'';

(2) in paragraph (5) by striking the period at the end and inserting '', and''; and

(3) by adding at the end the following:

''(6) the Chairman of the State Liaison Committee.''.

(b) CHAIRPERSON OF LIAISON COMMITTEE.—Section 1007 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3306) is amended by adding at the end the following: ''Members of the Liaison Committee shall elect a chairperson from among the members serving on the committee.''.

SEC. 715. TECHNICAL AMENDMENTS RELATING TO INSURED INSTITUTIONS.

(a) TECHNICAL AMENDMENT TO THE FEDERAL DEPOSIT INSURANCE ACT.—Section 8(i)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)(3)) is amended by inserting ''or order'' after ''notice'' each place that term appears.

(b) TECHNICAL AMENDMENT TO THE FEDERAL CREDIT UNION ACT.—Section 206(k)(3) of the Federal Credit Union Act (12 U.S.C. 1786(k)(3)) is amended by inserting ''or order'' after ''notice'' each place that term appears.

SEC. 716. CLARIFICATION OF ENFORCEMENT AUTHORITY.

(a) ACTIONS ON APPLICATIONS, NOTICES, AND OTHER REQUESTS; CLARIFICATION THAT CHANGE IN CONTROL CONDITIONS ARE ENFORCEABLE.—Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended—

(1) in subsection (b)(1), in the first sentence, by striking ''the granting of any application or other request by the depository institution'' and inserting ''any action on any application, notice, or other request by the depository institution or institution-affiliated party,'';

(2) in subsection (e)(1)(A)(i)(III), by striking ''the grant of any application or other request by such depository institution'' and inserting ''any action on any application, notice, or request by such depository institution or institution-affiliated party''; and

(3) in subsection (i)(2)(A)(iii), by striking ''the grant of any application or other request by such depository institution'' and inserting ''any action on any application, notice, or other request by the depository institution or institution-affiliated party''.

(b) CLARIFICATION THAT CHANGE IN CONTROL CONDITIONS ARE ENFORCEABLE.—Section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended—

(1) in subsection (b)(1), in the first sentence, by striking ''the granting of any application or other request by the credit union'' and inserting ''any action on any application, notice, or other request by the credit union or institution-affiliated party,'';

(2) in subsection (g)(1)(A)(i)(III), by striking ''the grant of any application or other request by such credit union'' and inserting ''any action on any application, notice, or request by such credit union or institution-affiliated party''; and

(3) in subsection (k)(2)(A)(iii), by striking ''the grant of any application or other request by such credit union'' and inserting ''any action on any application, notice, or other request by the credit union or institution-affiliated party''.

SEC. 717. FEDERAL BANKING AGENCY AUTHORITY TO ENFORCE DEPOSIT INSURANCE CONDITIONS.

Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended—

(1) in subsection (b)(1), in the 1st sentence—

(A) by striking ''in writing by the agency'' and inserting ''in writing by a Federal banking agency''; and

(B) by striking ''the agency may issue and serve'' and inserting ''the appropriate Federal banking agency for the depository institution may issue and serve'';

(2) in subsection (e)(1)—

(A) in subparagraph (A)(i)(III), by striking ''in writing by the appropriate Federal banking agency'' and inserting ''in writing by a Federal banking agency''; and

(B) in the undesignated matter at the end, by striking ''the agency may serve upon such party'' and inserting ''the appropriate Federal banking agency for the depository institution may serve upon such party''; and

(3) in subsection (i)(2)(A)(iii), by striking ''in writing by the appropriate Federal banking agency'' and inserting ''in writing by a Federal banking agency''.

SEC. 718. RECEIVER OR CONSERVATOR CONSENT REQUIREMENT.

(a) INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(13) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(13)) is amended by adding at the end the following:

''(C) CONSENT REQUIREMENT.—

''(i) IN GENERAL.—Except as otherwise provided by this section or section 15, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which the depository institution is a party, or to obtain possession of or exercise control over any property of the institution or affect any contractual rights of the institution, without the consent of the conservator or receiver, as appropriate, during the 45-day period beginning on the date of the appointment of the conservator, or during the 90-day period beginning on the date of the appointment of the receiver, as applicable.

''(ii) CERTAIN EXCEPTIONS.—No provision of this subparagraph shall apply to a director or officer liability insurance contract or a depository institution bond, to the rights of parties to certain qualified financial contracts pursuant to paragraph (8), or to the rights of parties to netting contracts pursuant to subtitle A of title IV of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4401 et seq.), or shall be construed as permitting the conservator or receiver to fail to comply with otherwise enforceable provisions of such contract.

''(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to limit or otherwise affect the applicability of title 11, United States Code.''.

(b) INSURED CREDIT UNIONS.—Section 207(c)(12) of the Federal Credit Union Act (12 U.S.C. 1787(c)(12)) is amended by adding the following:

''(C) CONSENT REQUIREMENT.—

''(i) IN GENERAL.—Except as otherwise provided by this section, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which the credit union is a party, or to obtain possession of or exercise control over any property of the credit union or affect any contractual rights of the credit union, without the consent of the conservator or liquidating agent, as appropriate, during the 45-day period beginning on the date of the appointment of the conservator, or during the 90-day period beginning on the date of the appointment of the liquidating agent, as applicable.

''(ii) CERTAIN EXCEPTIONS.—No provision of this subparagraph shall apply to a director or officer liability insurance contract or a credit union bond, or to the rights of parties to certain qualified financial contracts pursuant to paragraph (8), or shall be construed as permitting the conservator or liquidating agent to fail to comply with otherwise enforceable provisions of such contract.

''(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to limit or otherwise affect the applicability of title 11, United States Code.''.

SEC. 719. ACQUISITION OF FICO SCORES.

Section 604(a) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)) is amended by adding at the end the following:

''(6) To the Federal Deposit Insurance Corporation or the National Credit Union Administration as part of its preparation for its appointment or as part of its exercise of powers, as conservator, receiver, or liquidating agent for an insured depository institution or insured credit union under the Federal Deposit Insurance Act or the Federal Credit Union Act, or other applicable Federal or State law, or in connection with the resolution or liquidation of a failed or failing insured depository institution or insured credit union, as applicable.''.

SEC. 720. ELIMINATION OF CRIMINAL INDICTMENTS AGAINST RECEIVERSHIPS.

(a) INSURED DEPOSITORY INSTITUTIONS.—Section 15(b) of the Federal Deposit Insurance Act (12 U.S.C. 1825(b)) is amended by inserting immediately after paragraph (3) the following:

''(4) EXEMPTION FROM CRIMINAL PROSECUTION.—The Corporation shall be exempt from all prosecution by the United States or any State, county, municipality, or local authority for any criminal offense arising under Federal, State, county, municipal, or local law, which was allegedly committed by the institution, or persons acting on behalf of the institution, prior to the appointment of the Corporation as receiver.''.

(b) INSURED CREDIT UNIONS.—Section 207(b)(2) of the Federal Credit Union Act (12 U.S.C. 1787(b)(2)) is amended by adding at the end the following:

''(K) EXEMPTION FROM CRIMINAL PROSECUTION.—The Administration shall be exempt from all prosecution by the United States or any State, county, municipality, or local authority for any criminal offense arising under Federal, State, county, municipal, or local law, which was allegedly committed by a credit union, or persons acting on behalf of a credit union, prior to the appointment of the Administration as liquidating agent.''.

SEC. 721. RESOLUTION OF DEPOSIT INSURANCE DISPUTES.

(a) INSURED DEPOSITORY INSTITUTIONS.—Section 11(f) of the Federal Deposit Insurance Act (12 U.S.C. 1821(f)) is amended by striking paragraphs (3) through (5) and inserting the following:

''(3) RESOLUTION OF DISPUTES.—A determination by the Corporation regarding any claim for insurance coverage shall be treated as a final determination for purposes of this section. In its discretion, the Corporation may promulgate regulations prescribing procedures for resolving any disputed claim relating to any insured deposit or any determination of insurance coverage with respect to any deposit.

''(4) REVIEW OF CORPORATION DETERMINATION.—A final determination made by the Corporation regarding any claim for insurance coverage shall be a final agency action reviewable in accordance with chapter 7 of title 5, United States Code, by the United States district court for the Federal judicial district where the principal place of business of the depository institution is located.

''(5) STATUTE OF LIMITATIONS.—Any request for review of a final determination by the Corporation regarding any claim for insurance coverage shall be filed with the appropriate United States district court not later than 60 days after the date on which such determination is issued.''.

(b) INSURED CREDIT UNIONS.—Section 207(d) of the Federal Credit Union Act (12 U.S.C. 1787(d)) is amended by striking paragraphs (3) through (5) and inserting the following:

''(3) RESOLUTION OF DISPUTES.—A determination by the Administration regarding any claim for insurance coverage shall be treated as a final determination for purposes of this section. In its discretion, the Board may promulgate regulations prescribing procedures for resolving any disputed claim relating to any insured deposit or any determination of insurance coverage with respect to any deposit. A final determination made by the Board regarding any claim for insurance coverage shall be a final agency action reviewable in accordance with chapter 7 of title 5, United States Code, by the United States district court for the Federal judicial district where the principal place of business of the credit union is located.

''(4) STATUTE OF LIMITATIONS.—Any request for review of a final determination by the Board regarding any claim for insurance coverage shall be filed with the appropriate United States district court not later than 60 days after the date on which such determination is issued.''.

SEC. 722. RECORDKEEPING.

(a) INSURED DEPOSITORY INSTITUTIONS.—Section 11(d)(15)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(15)(D)) is amended—

(1) by striking ''After the end of the 6-year period'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (ii), after the end of the 6-year period''; and

(2) by adding at the end the following:

''(ii) OLD RECORDS.—Notwithstanding clause (i), the Corporation may destroy records of an insured depository institution which are at least 10 years old as of the date on which the Corporation is appointed as the receiver of such depository institution in accordance with clause (i) at any time after such appointment is final, without regard to the 6-year period of limitation contained in clause (i).''.

(b) INSURED CREDIT UNIONS.—Section 207(b)(15)(D) of the Federal Credit Union Act (12 U.S.C. 1787(b)(15)(D)) is amended—

(1) by striking ''After the end of the 6-year period'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (ii), after the end of the 6-year period''; and

(2) by adding at the end the following:

''(ii) OLD RECORDS.—Notwithstanding clause (i) the Board may destroy records of an insured credit union which are at least 10 years old as of the date on which the Board is appointed as liquidating agent of such credit union in accordance with clause (i) at any time after such appointment is final, without regard to the 6-year period of limitation contained in clause (i).''.

SEC. 723. PRESERVATION OF RECORDS.

(a) INSURED DEPOSITORY INSTITUTIONS.—Section 10(f) of the Federal Deposit Insurance Act (12 U.S.C. 1820(f)) is amended to read as follows:

''(f) PRESERVATION OF AGENCY RECORDS.—

''(1) IN GENERAL.—A Federal banking agency may cause any and all records, papers, or documents kept by the agency or in the possession or custody of the agency to be—

''(A) photographed or microphotographed or otherwise reproduced upon film; or

''(B) preserved in any electronic medium or format which is capable of—

''(i) being read or scanned by computer; and

''(ii) being reproduced from such electronic medium or format by printing any other form of reproduction of electronically stored data.

''(2) TREATMENT AS ORIGINAL RECORDS.—Any photographs, microphotographs, or photographic film or copies thereof described in paragraph (1)(A) or reproduction of electronically stored data described in paragraph (1)(B) shall be deemed to be an original record for all purposes, including introduction in evidence in all State and Federal courts or administrative agencies, and shall be admissible to prove any act, transaction, occurrence, or event therein recorded.

''(3) AUTHORITY OF THE FEDERAL BANKING AGENCIES.—Any photographs, microphotographs, or photographic film or copies thereof described in paragraph (1)(A) or reproduction of electronically stored data described in paragraph (1)(B) shall be preserved in such manner as the Federal banking agency shall prescribe, and the original records, papers, or documents may be destroyed or otherwise disposed of as the Federal banking agency may direct.''.

(b) INSURED CREDIT UNIONS.—Section 206(s) of the Federal Credit Union Act (12 U.S.C. 1786(s)) is amended by adding at the end the following:

''(9) PRESERVATION OF RECORDS.—

''(A) IN GENERAL.—The Board may cause any and all records, papers, or documents kept by the Administration or in the possession or custody of the Administration to be—

''(i) photographed or microphotographed or otherwise reproduced upon film; or

''(ii) preserved in any electronic medium or format which is capable of—

''(I) being read or scanned by computer; and

''(II) being reproduced from such electronic medium or format by printing or any other form of reproduction of electronically stored data.

''(B) TREATMENT AS ORIGINAL RECORDS.—Any photographs, micrographs, or photographic film or copies thereof described in subparagraph (A)(i) or reproduction of electronically stored data described in subparagraph (A)(ii) shall be deemed to be an original record for all purposes, including introduction in evidence in all State and Federal courts or administrative agencies, and shall be admissible to prove any act, transaction, occurrence, or event therein recorded.

''(C) AUTHORITY OF THE ADMINISTRATION.—Any photographs, microphotographs, or photographic film or copies thereof described in subparagraph (A)(i) or reproduction of electronically stored data described in subparagraph (A)(ii) shall be preserved in such manner as the Administration shall prescribe, and the original records, papers, or documents may be destroyed or otherwise disposed of as the Administration may direct.''.

SEC. 724. TECHNICAL AMENDMENTS TO INFORMATION SHARING PROVISION IN THE FEDERAL DEPOSIT INSURANCE ACT.

Section 11(t) of the Federal Deposit Insurance Act (12 U.S.C. 1821(t)) is amended—

(1) in paragraph (1), by inserting '', in any capacity,'' after ''A covered agency''; and

(2) in paragraph (2)(A)—

(A) in clause (i), by striking ''appropriate'';

(B) by striking clause (ii); and

(C) by redesignating clauses (iii) through (vi) as clauses (ii) through (v), respectively.

SEC. 725. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO BANKS OPERATING UNDER THE CODE OF LAW FOR THE DISTRICT OF COLUMBIA.

(a) FEDERAL RESERVE ACT.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended—

(1) in the second undesignated paragraph of the first section (12 U.S.C. 221), by adding at the end the following: ''For purposes of this Act, a State bank includes any bank which is operating under the Code of Law for the District of Columbia.''; and

(2) in the first sentence of the first undesignated paragraph of section 9 (12 U.S.C. 321), by striking ''incorporated by special law of any State, or'' and inserting ''incorporated by special law of any State, operating under the Code of Law for the District of Columbia, or''.

(b) BANK CONSERVATION ACT.—Section 202 of the Bank Conservation Act (12 U.S.C. 202) is amended—

(1) by striking ''means (1) any national'' and inserting ''means any national''; and

(2) by striking '', and (2) any bank or trust company located in the District of Columbia and operating under the supervision of the Comptroller of the Currency''.

(c) DEPOSITORY INSTITUTION DEREGULATION AND MONETARY CONTROL ACT OF 1980.—Part C of title VII of the Depository Institution Deregulation and Monetary Control Act of 1980 (12 U.S.C. 216 et seq.) is amended—

(1) in paragraph (1) of section 731 (12 U.S.C. 216(1)), by striking ''and closed banks in the District of Columbia''; and

(2) in paragraph (2) of section 732 (12 U.S.C. 216a(2)), by striking ''or closed banks in the District of Columbia''.

(d) FEDERAL DEPOSIT INSURANCE ACT.—Section 3(a)(2)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1813(a)(2)(B)) is amended by striking ''(except a national bank)''.

(e) NATIONAL BANK CONSOLIDATION AND MERGER ACT.—Section 7(1) of the National Bank Consolidation and Merger Act (12 U.S.C. 215b(1)) is amended by striking ''(except a national banking association located in the District of Columbia)''.

(f) ACT OF AUGUST 17, 1950.—Section 1(a) of the Act entitled ''An Act to provide for the conversion of national banking associations into and their merger or consolidation with State

banks, and for other purposes'' and approved August 17, 1950 (12 U.S.C. 214(a)) is amended by striking ''(except a national banking association)''.

(g) FEDERAL TRADE COMMISSION ACT.—Section 18(f)(2) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(2)) is amended—

(1) in subparagraph (A), by striking '', banks operating under the code of law for the District of Columbia,''; and

(2) in subparagraph (B), by striking ''and banks operating under the code of law for the District of Columbia''.

SEC. 726. TECHNICAL CORRECTIONS TO THE FEDERAL CREDIT UNION ACT.

The Federal Credit Union Act (12 U.S.C. 1751 et seq.) is amended as follows:

(1) In section 101(3), strike ''and'' after the semicolon.

(2) In section 101(5), strike the terms ''account account'' and ''account accounts'' each place any such term appears and insert ''account''.

(3) In section 107(5)(E), strike the period at the end and insert a semicolon.

(4) In each of paragraphs (6) and (7) of section 107, strike the period at the end and insert a semicolon.

(5) In section 107(7)(D), strike ''the Federal Savings and Loan Insurance Corporation or''.

(6) In section 107(7)(E), strike ''the Federal Home Loan Bank Board,'' and insert ''the Federal Housing Finance Board,''.

(7) In section 107(9), strike ''subchapter III'' and insert ''title III''.

(8) In section 107(13), strike ''and'' after the semicolon at the end.

(9) In section 109(c)(2)(A)(i), strike ''(12 U.S.C. 4703(16))''.

(10) In section 120(h), strike ''the Act approved July 30, 1947 (6 U.S.C., secs. 6–13),'' and insert ''chapter 93 of title 31, United States Code,''.

(11) In section 201(b)(5), strike ''section 116 of''.

(12) In section 202(h)(3), strike ''section 207(c)(1)'' and insert ''section 207(k)(1)''.

(13) In section 204(b), strike ''such others powers'' and insert ''such other powers''.

(14) In section 206(e)(3)(D), strike ''and'' after the semicolon at the end.

(15) In section 206(f)(1), strike ''subsection (e)(3)(B)'' and insert ''subsection (e)(3)''.

(16) In section 206(g)(7)(D), strike ''and subsection (1)''.

(17) In section 206(t)(2)(B), insert ''regulations'' after ''as defined in''.

(18) In section 206(t)(2)(C), strike ''material affect'' and insert ''material effect''.

(19) In section 206(t)(4)(A)(ii)(II), strike ''or'' after the semicolon at the end.

(20) In section 206A(a)(2)(A), strike ''regulator agency'' and insert ''regulatory agency''.

(21) In section 207(c)(5)(B)(i)(I), insert ''and'' after the semicolon at the end.

(22) In the heading for subparagraph (A) of section 207(d)(3), strike ''TO'' and insert ''WITH''.

(23) In section 207(f)(3)(A), strike ''category or claimants'' and insert ''category of claimants''.

(24) In section 209(a)(8), strike the period at the end and insert a semicolon.

(25) In section 216(n), insert ''any action'' before ''that is required''.

(26) In section 304(b)(3), strike ''the affairs or such credit union'' and insert ''the affairs of such credit union''.

(27) In section 310, strike ''section 102(e)'' and insert ''section 102(d)''.

SEC. 727. REPEAL OF OBSOLETE PROVISIONS OF THE BANK HOLDING COMPANY ACT OF 1956.

(a) IN GENERAL.—Section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841) is amended—

(1) in subsection (c)(2), by striking subparagraphs (I) and (J); and

(2) by striking subsection (m) and inserting the following:

''(m) [Repealed]''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Paragraphs (1) and (2) of section 4(h) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(h)) are each amended by striking ''(G), (H), (I), or (J) of section 2(c)(2)'' and inserting ''(G), or (H) of section 2(c)(2)''.

SEC. 728. DEVELOPMENT OF MODEL PRIVACY FORM.

Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803), as amended by section 609, is amended by adding at the end the following:

''(e) MODEL FORMS.—

''(1) IN GENERAL.—The agencies referred to in section 504(a)(1) shall jointly develop a model form which may be used, at the option of the financial institution, for the provision of disclosures under this section.

''(2) FORMAT.—A model form developed under paragraph (1) shall—

''(A) be comprehensible to consumers, with a clear format and design;

''(B) provide for clear and conspicuous disclosures;

''(C) enable consumers easily to identify the sharing practices of a financial institution and to compare privacy practices among financial institutions; and

''(D) be succinct, and use an easily readable type font.

''(3) TIMING.—A model form required to be developed by this subsection shall be issued in proposed form for public comment not later than 180 days after the date of enactment of this subsection.

''(4) SAFE HARBOR.—Any financial institution that elects to provide the model form developed by the agencies under this subsection shall be deemed to be in compliance with the disclosures required under this section.''.

TITLE VIII—FAIR DEBT COLLECTION PRACTICES ACT AMENDMENTS

SEC. 801. EXCEPTION FOR CERTAIN BAD CHECK ENFORCEMENT PROGRAMS.

(a) IN GENERAL.—The Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended—

(1) by redesignating section 818 as section 819; and

(2) by inserting after section 817 the following:

''§ 818. Exception for certain bad check enforcement programs operated by private entities

''(a) IN GENERAL.—

''(1) TREATMENT OF CERTAIN PRIVATE ENTITIES.—Subject to paragraph (2), a private entity shall be excluded from the definition of a debt collector, pursuant to the exception provided in section 803(6), with respect to the operation by the entity of a program described in paragraph (2)(A) under a contract described in paragraph (2)(B).

''(2) CONDITIONS OF APPLICABILITY.—Paragraph (1) shall apply if—

''(A) a State or district attorney establishes, within the jurisdiction of such State or district attorney and with respect to alleged bad check violations that do not involve a check described in subsection (b), a pretrial diversion program for alleged bad check offenders who agree to participate voluntarily in such program to avoid criminal prosecution;

''(B) a private entity, that is subject to an administrative support services contract with a State or district attorney and operates under the direction, supervision, and control of such State or district attorney, operates the pretrial diversion program described in subparagraph (A); and

''(C) in the course of performing duties delegated to it by a State or district attorney under the contract, the private entity referred to in subparagraph (B)—

''(i) complies with the penal laws of the State;

''(ii) conforms with the terms of the contract and directives of the State or district attorney;

''(iii) does not exercise independent prosecutorial discretion;

''(iv) contacts any alleged offender referred to in subparagraph (A) for purposes of participating in a program referred to in such paragraph—

''(I) only as a result of any determination by the State or district attorney that probable cause of a bad check violation under State penal law exists, and that contact with the alleged offender for purposes of participation in the program is appropriate; and

''(II) the alleged offender has failed to pay the bad check after demand for payment, pursuant to State law, is made for payment of the check amount;

''(v) includes as part of an initial written communication with an alleged offender a clear and conspicuous statement that—

''(I) the alleged offender may dispute the validity of any alleged bad check violation;

''(II) where the alleged offender knows, or has reasonable cause to believe, that the alleged bad check violation is the result of theft or forgery of the check, identity theft, or other fraud that is not the result of the conduct of the alleged offender, the alleged offender may file a crime report with the appropriate law enforcement agency; and

''(III) if the alleged offender notifies the private entity or the district attorney in writing, not later than 30 days after being contacted for the first time pursuant to clause (iv), that there is a dispute pursuant to this subsection, before further restitution efforts are pursued, the district attorney or an employee of the district attorney authorized to make such a determination makes a determination that there is probable cause to believe that a crime has been committed; and

''(vi) charges only fees in connection with services under the contract that have been authorized by the contract with the State or district attorney.

''(b) CERTAIN CHECKS EXCLUDED.—A check is described in this subsection if the check involves, or is subsequently found to involve—

''(1) a postdated check presented in connection with a payday loan, or other similar transaction, where the payee of the check knew that the issuer had insufficient funds at the time the check was made, drawn, or delivered;

''(2) a stop payment order where the issuer acted in good faith and with reasonable cause in stopping payment on the check;

''(3) a check dishonored because of an adjustment to the issuer's account by the financial institution holding such account without providing notice to the person at the time the check was made, drawn, or delivered;

''(4) a check for partial payment of a debt where the payee had previously accepted partial payment for such debt;

''(5) a check issued by a person who was not competent, or was not of legal age, to enter into a legal contractual obligation at the time the check was made, drawn, or delivered; or

''(6) a check issued to pay an obligation arising from a transaction that was illegal in the jurisdiction of the State or district attorney at the time the check was made, drawn, or delivered.

''(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) STATE OR DISTRICT ATTORNEY.—The term 'State or district attorney' means the chief elected or appointed prosecuting attorney in a district, county (as defined in section 2 of title 1, United States Code), municipality, or comparable jurisdiction, including State attorneys general who act as chief elected or appointed prosecuting attorneys in a district, county (as so defined), municipality or comparable jurisdiction, who may be referred to by a variety of titles such as district attorneys, prosecuting attorneys, commonwealth's attorneys, solicitors, county attorneys, and state's attorneys, and who are responsible for the prosecution of State crimes and violations of jurisdiction-specific local ordinances.

''(2) CHECK.—The term 'check' has the same meaning as in section 3(6) of the Check Clearing for the 21st Century Act.

''(3) BAD CHECK VIOLATION.—The term 'bad check violation' means a violation of the applicable State criminal law relating to the writing of dishonored checks.''.

(b) CLERICAL AMENDMENT.—The table of sections for the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended—

(1) by redesignating the item relating to section 818 as section 819; and

(2) by inserting after the item relating to section 817 the following new item:

''818. Exception for certain bad check enforcement programs operated by private entities.''.

SEC. 802. OTHER AMENDMENTS.

(a) LEGAL PLEADINGS.—Section 809 of the Fair Debt Collection Practices Act (15 U.S.C. 1692g) is amended by adding at the end the following new subsection:

''(d) LEGAL PLEADINGS.—A communication in the form of a formal pleading in a civil action shall not be treated as an initial communication for purposes of subsection (a).''.

(b) NOTICE PROVISIONS.—Section 809 of the Fair Debt Collection Practices Act (15 U.S.C. 1692g) is amended by adding after subsection (d) (as added by subsection (a) of this section) the following new subsection:

''(e) NOTICE PROVISIONS.—The sending or delivery of any form or notice which does not relate to the collection of a debt and is expressly required by the Internal Revenue Code of 1986, title V of Gramm-Leach-Bliley Act, or any provision of Federal or State law relating to notice of data security breach or privacy, or any regulation prescribed under any such provision of law, shall not be treated as an initial communication in connection with debt collection for purposes of this section.''.

(c) ESTABLISHMENT OF RIGHT TO COLLECT WITHIN THE FIRST 30 DAYS.—Section 809(b) of the Fair Debt Collection Practices Act (15 U.S.C. 1692g(b)) is amended by adding at the end the following new sentences: ''Collection activities and communications that do not otherwise violate this title may continue during the 30-day period referred to in subsection (a) unless the consumer has notified the debt collector in writing that the debt, or any portion of the debt, is disputed or that the consumer requests the name and address of the original creditor. Any collection activities and communication during the 30-day period may not overshadow or be inconsistent with the disclosure of the consumer's right to dispute the debt or request the name and address of the original creditor.''.

TITLE IX—CASH MANAGEMENT MODERNIZATION

SEC. 901. COLLATERAL MODERNIZATION.

(a) IN GENERAL.—Section 9301(2) of title 31, United States Code, is amended to read as follows:

''(2) 'eligible obligation' means any security designated as acceptable in lieu of a surety bond by the Secretary of the Treasury.''.

(b) USE OF ELIGIBLE OBLIGATIONS INSTEAD OF SURETY BONDS.—Section 9303(a)(2) of title 31, United States Code, is amended to read as follows:

''(2) as determined by the Secretary of the Treasury, have a market value that is equal to or greater than the amount of the required surety bond; and''.

(c) TECHNICAL AMENDMENTS.—Section 9303 of title 31, United States Code, is amended—

(1) in the section heading, by striking **"Government obligations"** and inserting **"eligible obligations"**;

(2) in subsection (f), by striking ''Government obligations'' and inserting ''eligible obligations'';

(3) by striking ''a Government obligation'' each place that term appears and inserting ''an eligible obligation''; and

(4) by striking ''Government obligation'' each place that term appears and inserting ''eligible obligation''.

TITLE X—STUDIES AND REPORTS

SEC. 1001. STUDY AND REPORT BY THE COMPTROLLER GENERAL ON THE CURRENCY TRANSACTION REPORT FILING SYSTEM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the volume of currency transaction reports filed with the Secretary of the Treasury under section 5313(a) of title 31, United States Code.

(b) PURPOSE.—The purpose of the study required under subsection (a) shall be—

(1) to evaluate, on the basis of actual filing data, patterns of currency transaction reports filed by depository institutions of all sizes and locations; and

(2) to identify whether and the extent to which the filing rules for currency transaction reports described in section 5313(a) of title 31, United States Code—

(A) are burdensome; and

(B) can or should be modified to reduce such burdens without harming the usefulness of such filing rules to Federal, State, and local anti-terrorism, law enforcement, and regulatory operations.

(c) PERIOD COVERED.—The study required under subsection (a) shall cover the period beginning at least 3 calendar years prior to the date of enactment of this section.

(d) CONTENT.—The study required under subsection (a) shall include a detailed evaluation of—

(1) the extent to which depository institutions are availing themselves of the exemption system for the filing of currency transaction reports set forth in section 103.22(d) of title 31, Code of Federal Regulations, as in effect during the study period (in this section referred to as the ''exemption system''), including specifically, for the study period—

(A) the number of currency transaction reports filed (out of the total annual numbers) involving companies that are listed on the New York Stock Exchange or the NASDAQ National Market;

(B) the number of currency transaction reports filed by the 100 largest depository institutions in the United States by asset size, and thereafter in tiers of 100, by asset size;

(C) the number of currency transaction reports filed by the 200 smallest depository institutions in the United States, including the number of such currency transaction reports involving companies listed on the New York Stock Exchange or the NASDAQ National Market; and

(D) the number of currency transaction reports that would have been filed during the filing period if the exemption system had been used by all depository institutions in the United States;

(2) what types of depository institutions are using the exemption system, and the extent to which such exemption system is used;

(3) difficulties that limit the willingness or ability of depository institutions to reduce their currency transaction reports reporting burden by making use of the exemption system, including considerations of cost, especially in the case of small depository institutions;

(4) the extent to which bank examination difficulties have limited the use of the exemption system, especially with respect to—

(A) the exemption of privately-held companies permitted under such exemption system; and

(B) whether, on a sample basis, the reaction of bank examiners to implementation of such exemption system is justified or inhibits use of such exemption system without an offsetting compliance benefit;

(5) ways to improve the use of the exemption system by depository institutions, including making such exemption system mandatory in order to reduce the volume of currency transaction reports unnecessarily filed; and

(6) the usefulness of currency transaction reports filed to law enforcement agencies, taking into account—

(A) advances in information technology;

(B) the impact, including possible loss of investigative data, that various changes in the exemption system would have on the usefulness of such currency transaction reports; and

(C) changes that could be made to the exemption system without affecting the usefulness of currency transaction reports.

(e) ASSISTANCE.—The Secretary of the Treasury shall provide such information processing and other assistance, including from the Commissioner of the Internal Revenue Service and the Director of the Financial Crimes Enforcement Network, to the Comptroller General in analyzing currency transaction report filings for the study period described in subsection (c), as is necessary to provide the information required by subsection (a).

(f) VIEWS.—The study required under subsection (a) shall, if appropriate, include a discussion of the views of a representative sample of Federal, State, and local law enforcement and regulatory officials and officials of depository institutions of all sizes.

(g) RECOMMENDATIONS.—The study required under subsection (a) shall, if appropriate, include recommendations for changes to the exemption system that would reflect a reduction in unnecessary cost to depository institutions, assuming reasonably full implementation of such exemption system, without reducing the usefulness of the currency transaction report filing system to anti-terrorism, law enforcement, and regulatory operations.

(h) REPORT.—Not later than 15 months after the date of enactment of this section, the Comptroller General shall submit a report on the study required under subsection (a) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 1002. STUDY AND REPORT ON INSTITUTION DIVERSITY AND CONSOLIDATION.

(a) STUDY.—The Comptroller General of the United States shall conduct a study regarding—

(1) the vast diversity in the size and complexity of institutions in the banking and financial services sector, including the differences in capital, market share, geographical limitations, product offerings, and general activities;

(2) the differences in powers among the depository institution charters, including—

(A) identification of the historical trends in the evolution of depository institution charters;

(B) an analysis of the impact of charter differences to the overall safety and soundness of the banking industry, and the effectiveness of the applicable depository institution regulator; and

(C) an analysis of the impact that the availability of options for depository institution charters on the development of the banking industry;

(3) the impact that differences of size and overall complexity among financial institutions makes with respect to regulatory oversight, efficiency, safety and soundness, and charter options for financial institutions; and

(4) the aggregate cost and breakdown associated with regulatory compliance for banks, savings associations, credit unions, or any other financial institution, including potential disproportionate impact that the cost of compliance may pose on smaller institutions, given the percentage of personnel that the institution must dedicate solely to compliance.

(b) CONSIDERATIONS.—In conducting the study under subsection (a), the Comptroller General shall consider the efficacy and efficiency of the consolidation of financial regulators, as well as charter simplification and homogenization.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Banking, Housing,

and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the results of the study required by this section.

SECTION 702—INSURED DEPOSITORY INSTITUTIONS

Mr. SHELBY. Mr. President, I rise to engage the distinguished Senators in a colloquy.

Section 702 of the Financial Services Regulatory Relief Act of 2006 clarifies that written conditions in applications and written agreements with institution-affiliated parties are enforceable in order to protect the safety and soundness of insured depository institutions. Institution affiliated parties can include bank directors, officers and principal shareholders. This provision was included at the request of the regulatory agencies, and we have heard some concerns that the regulatory agencies may use this language to require personal guarantees from bank directors and officers in inappropriate circumstances.

I ask Senator CRAPO if he can explain the legislative intent behind Section 702?

Mr. CRAPO. In adopting this provision, it is our intention that the regulatory agencies utilize Section 702 with care and precision. Specifically, we do not intend that the regulatory agencies use it routinely in connection with corporate applications, notices or requests to impose financial or other conditions on bank directors or officers that contain a personal guarantee against loss by the institution. In particular, it is not our intention that the regulatory agencies use it routinely to require directors or officers of insured depository institutions to enter into capital maintenance agreements with the agencies as a condition of granting a charter or providing deposit insurance. Nor is it our intention that the regulatory agencies use it routinely to require bank directors or officers to maintain the capital of a troubled insured depository institution without the director's or officer's agreement.

In utilizing their authority under Section 702 to enforce agreements to protect the deposit insurance fund, banking agencies should be mindful of the fact that our national banking policies should encourage the participation of highly qualified people on the boards of depository institutions. Creation of an environment where the threat of personal liability may cause bank directors to resign or keep well-qualified people from becoming directors in the first place would be counterproductive. We intend to monitor closely how this provision is applied by the regulatory agencies to ensure that such an environment does not result.

Mr. JOHNSON. I thank the Senator for his explanation. I understand that the regulatory agencies, specifically the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Office of Thrift Supervision, and the Federal Deposit Insurance Corporation agree with this interpretation as does the House of Representatives.

Mr. CRAPO. That is correct. I ask unanimous consent to have printed in the RECORD a copy of a joint letter from the regulatory agencies confirming this.

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

OFFICE OF THE COMPTROLLER OF THE CURRENCY, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, OFFICE OF THRIFT SUPERVISION, FEDERAL DEPOSIT INSURANCE CORPORATION,

Washington, DC, August 7, 2006.

HON. MIKE CRAPO,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRAPO: This responds to your letter dated July 28, 2006, concerning section 702 of S. 2856, ''The Financial Services Regulatory Relief Act of 2006.''

We agree completely that banking policies should welcome the participation of qualified individuals on the boards of directors of insured depository institutions. We believe that enactment of this section would be fully consistent with that goal and that the provision should be implemented in that spirit, if enacted.

Section 702 is intended to enable the appropriate Federal banking agency to enforce conditions imposed in writing in connection with any action on an application, notice or other request, and written agreements between a Federal banking agency and a depository institution or an institution-affiliated party, in accordance with the terms of the condition or agreement, without the necessity of showing unjust enrichment or reckless disregard for the law, applicable regulations, or prior order of the appropriate Federal banking agency. The language is intended to address the effect of court decisions in a few cases that questioned the authority of the banking agencies to enforce such conditions or agreements without first establishing that the institution-affiliated party was unjustly enriched or engaged in reckless disregard for the law or previous agency orders.

It is our intention to utilize this provision with care and precision. Specifically, we do not intend to use it routinely in connection with corporate applications, notices or requests to impose financial or other conditions on bank directors or officers that contain a personal guarantee against loss by the institution. In particular, it is not our intention to use it routinely to require directors or officers of insured depository institutions to enter into capital maintenance agreements with the agencies as a condition of granting a charter or providing deposit insurance. Nor is it our intention to use it routinely to require bank directors or officers to maintain the capital of a troubled insured depository institution without the director's or officer's agreement.

We hope this addresses your concerns.

Sincerely,

JOHN C. DUGAN,
Comptroller of the Currency.

JOHN M. REICH,
Director, Office of Thrift Supervision.

BEN S. BERNANKE,
Chairman, Board of Governors of the Federal Reserve System.

SHEILA C. BAIR,
Chairman, Federal Deposit Insurance Corporation.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

GREAT LAKES FISH AND WILDLIFE RESTORATION ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany S. 2430.

The PRESIDING OFFICER laid before the Senate a message from the House as follows:

S. 2430

Resolved, That the bill from the Senate (S. 2430) entitled ''An Act to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Great Lakes Fish and Wildlife Restoration Act of 2006''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Great Lakes have fish and wildlife communities that are structurally and functionally changing;

(2) successful fish and wildlife management focuses on the lakes as ecosystems, and effective management requires the coordination and integration of efforts of many partners;

(3) it is in the national interest to undertake activities in the Great Lakes Basin that support sustainable fish and wildlife resources of common concern provided under the recommendations of the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force);

(4) additional actions and better coordination are needed to protect and effectively manage the fish and wildlife resources, and the habitats upon which the resources depend, in the Great Lakes Basin;

(5) as of the date of enactment of this Act, actions are not funded that are considered essential to meet the goals and objectives in managing the fish and wildlife resources, and the habitats upon which the resources depend, in the Great Lakes Basin; and

(6) the Great Lakes Fish and Wildlife Restoration Act (16 U.S.C. 941 et seq.) allows Federal agencies, States, and tribes to work in an effective partnership by providing the funding for restoration work.

SEC. 3. DEFINITIONS.

Section 1004 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941b) is amended—

(1) by striking paragraphs (1), (4), and (12);

(2) by redesignating paragraphs (2), (3), (5), (6), (7), (8), (9), (10), (11), (13), and (14) as paragraphs (1), (2), (3), (4), (5), (6), (7), (9), (10), (11), and (12), respectively;

(3) in paragraph (4) (as redesignated by paragraph (2)), by inserting before the semicolon at the end the following: '', and that has Great Lakes fish and wildlife management authority in the Great Lakes Basin''; and

(4) by inserting after paragraph (7) (as redesignated by paragraph (2)) the following:

''(8) the term 'regional project' means authorized activities of the United States Fish and

Wildlife Service related to fish and wildlife resource protection, restoration, maintenance, and enhancement impacting multiple States or Indian Tribes with fish and wildlife management authority in the Great Lakes basin;''.

SEC. 4. IDENTIFICATION, REVIEW, AND IMPLEMENTATION OF PROPOSALS.

Section 1005 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941c) is amended to read as follows:

''SEC. 1005. IDENTIFICATION, REVIEW, AND IMPLEMENTATION OF PROPOSALS AND REGIONAL PROJECTS.

''(a) IN GENERAL.—Subject to subsection (b)(2), the Director—

''(1) shall encourage the development and, subject to the availability of appropriations, the implementation of fish and wildlife restoration proposals and regional projects based on the results of the Report; and

''(2) in cooperation with the State Directors and Indian Tribes, shall identify, develop, and, subject to the availability of appropriations, implement regional projects in the Great Lakes Basin to be administered by Director in accordance with this section.

''(b) IDENTIFICATION OF PROPOSALS AND REGIONAL PROJECTS.—

''(1) REQUEST BY THE DIRECTOR.—The Director shall annually request that State Directors and Indian Tribes, in cooperation or partnership with other interested entities and in accordance with subsection (a), submit proposals or regional projects for the restoration of fish and wildlife resources.

''(2) REQUIREMENTS FOR PROPOSALS AND REGIONAL PROJECTS.—A proposal or regional project under paragraph (1) shall be—

''(A) submitted in the manner and form prescribed by the Director; and

''(B) consistent with—

''(i) the goals of the Great Lakes Water Quality Agreement, as amended;

''(ii) the 1954 Great Lakes Fisheries Convention;

''(iii) the 1980 Joint Strategic Plan for Management of Great Lakes Fisheries, as revised in 1997, and Fish Community Objectives for each Great Lake and connecting water as established under the Joint Strategic Plan;

''(iv) the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.);

''(v) the North American Waterfowl Management Plan and joint ventures established under the plan; and

''(vi) the strategies outlined through the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force).

''(3) SEA LAMPREY AUTHORITY.—The Great Lakes Fishery Commission shall retain authority and responsibility to formulate and implement a comprehensive program to eradicate or minimize sea lamprey populations in the Great Lakes Basin.

''(c) REVIEW OF PROPOSALS.—

''(1) ESTABLISHMENT OF COMMITTEE.—There is established the Great Lakes Fish and Wildlife Restoration Proposal Review Committee, which shall operate under the guidance of the United States Fish and Wildlife Service.

''(2) MEMBERSHIP AND APPOINTMENT.—

''(A) IN GENERAL.—The Committee shall consist of 2 representatives of each of the State Directors and Indian Tribes, of whom—

''(i) 1 representative shall be the individual appointed by the State Director or Indian Tribe to the Council of Lake Committees of the Great Lakes Fishery Commission; and

''(ii) 1 representative shall have expertise in wildlife management.

''(B) APPOINTMENTS.—Each representative shall serve at the pleasure of the appointing State Director or Tribal Chair.

''(C) OBSERVER.—The Great Lakes Coordinator of the United States Fish and Wildlife Service shall participate as an observer of the Committee.

''(D) RECUSAL.—A member of the Committee shall recuse himself or herself from consideration of proposals that the member, or the entity that the member represents, has submitted.

''(3) FUNCTIONS.—The Committee shall—

''(A) meet at least annually;

''(B) review proposals and regional projects developed in accordance with subsection (b) to assess the effectiveness and appropriateness of the proposals and regional projects in fulfilling the purposes of this title; and

''(C) recommend to the Director any of those proposals and regional projects that should be funded and implemented under this section.

''(d) IMPLEMENTATION OF PROPOSALS AND REGIONAL PROJECTS.—

''(1) IN GENERAL.—After considering recommendations of the Committee and the goals specified in section 1006, the Director shall—

''(A) select proposals and regional projects to be implemented; and

''(B) subject to the availability of appropriations and subsection (e), fund implementation of the proposals and regional projects.

''(2) SELECTION CRITERIA.—In selecting and funding proposals and regional projects, the Director shall take into account the effectiveness and appropriateness of the proposals and regional projects in fulfilling the purposes of other laws applicable to restoration of the fish and wildlife resources and habitat of the Great Lakes Basin.

''(e) COST SHARING.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (4), not less than 25 percent of the cost of implementing a proposal selected under subsection (d) (excluding the cost of establishing sea lamprey barriers) shall be paid in cash or in-kind contributions by non-Federal sources.

''(2) REGIONAL PROJECTS.—Regional projects selected under subsection (d) shall be exempt from cost sharing if the Director determines that the authorization for the project does not require a non-Federal cost-share.

''(3) EXCLUSION OF FEDERAL FUNDS FROM NON-FEDERAL SHARE.—The Director may not consider the expenditure, directly or indirectly, of Federal funds received by any entity to be a contribution by a non-Federal source for purposes of this subsection.

''(4) EFFECT ON CERTAIN INDIAN TRIBES.—Nothing in this subsection affects an Indian tribe affected by an alternative applicable cost sharing requirement under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).''.

SEC. 5. GOALS OF UNITED STATES FISH AND WILDLIFE SERVICE PROGRAMS RELATED TO GREAT LAKES FISH AND WILDLIFE RESOURCES.

Section 1006 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941d) is amended by striking paragraph (1) and inserting the following:

''(1) Restoring and maintaining self-sustaining fish and wildlife resources.''.

SEC. 6. ESTABLISHMENT OF OFFICES.

Section 1007 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941e) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GREAT LAKES COORDINATION OFFICE.—

''(1) IN GENERAL.—The Director shall establish a centrally located facility for the coordination of all United States Fish and Wildlife Service activities in the Great Lakes Basin, to be known as the 'Great Lakes Coordination Office'.

''(2) FUNCTIONAL RESPONSIBILITIES.—The functional responsibilities of the Great Lakes Coordination Office shall include—

''(A) intra- and interagency coordination;

''(B) information distribution; and

''(C) public outreach.

''(3) REQUIREMENTS.—The Great Lakes Coordination Office shall—

''(A) ensure that information acquired under this Act is made available to the public; and

''(B) report to the Director of Region 3, Great Lakes Big Rivers.'';

(2) in subsection (b)—

(A) in the first sentence, by striking ''The Director'' and inserting the following:

''(1) IN GENERAL.—The Director'';.

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

''(2) NAME AND LOCATION.—The office''; and

(C) by adding at the end the following:

''(3) RESPONSIBILITIES.—The responsibilities of the Lower Great Lakes Fishery Resources Office shall include operational activities of the United States Fish and Wildlife Service related to fishery resource protection, restoration, maintenance, and enhancement in the Lower Great Lakes.''; and

(3) in subsection (c)—

(A) in the first sentence, by striking ''The Director'' and inserting the following:

''(1) IN GENERAL.—The Director'';.

(B) in the second sentence, by striking ''Each of the offices'' and inserting the following:

''(2) NAME AND LOCATION.—Each of the offices''; and

(C) by adding at the end the following:

''(3) RESPONSIBILITIES.—The responsibilities of the Upper Great Lakes Fishery Resources Offices shall include operational activities of the United States Fish and Wildlife Service related to fishery resource protection, restoration, maintenance, and enhancement in the Upper Great Lakes.''.

SEC. 7. REPORTS.

Section 1008 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941f) is amended to read as follows:

''SEC. 1008. REPORTS.

''(a) IN GENERAL.—Not later than December 31, 2011, the Director shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes—

''(1) actions taken to solicit and review proposals under section 1005;

''(2) the results of proposals implemented under section 1005; and

''(3) progress toward the accomplishment of the goals specified in section 1006.

''(b) PUBLIC ACCESS TO DATA.—For each of fiscal years 2007 through 2012, the Director shall make available through a public access website of the Department information that describes—

''(1) actions taken to solicit and review proposals under section 1005;

''(2) the results of proposals implemented under section 1005;

''(3) progress toward the accomplishment of the goals specified in section 1006;

''(4) the priorities proposed for funding in the annual budget process under this title; and

''(5) actions taken in support of the recommendations of the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force).

''(c) REPORT.—Not later than June 30, 2007, the Director shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives the 2002 report required under this section as in effect on the day before the date of enactment of the Great Lakes Fish and Wildlife Restoration Act of 2006.''.

SEC. 8. CONTINUED MONITORING AND ASSESSMENT OF STUDY FINDINGS AND RECOMMENDATIONS.

The Director of the United States Fish and Wildlife Service—

(1) shall continue to monitor the status, and the assessment, management, and restoration needs, of the fish and wildlife resources of the Great Lakes Basin; and

(2) may reassess and update, as necessary, the findings and recommendations of the report entitled ''Great Lakes Fishery Resources Restoration Study'', submitted to the President of the

Senate and the Speaker of the House of Representatives on September 13, 1995.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 1009 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941g) is amended to read as follows:

"SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Director for each of fiscal years 2007 through 2012—

''(1) $14,000,000 to implement fish and wildlife restoration proposals as selected by the Director under section 1005(e), of which—

''(A) not more than the lesser of 33 1/3 percent or $4,600,000 may be allocated to implement regional projects by the United States Fish and Wildlife Service, as selected by the Director under section 1005(e); and

''(B) the lesser of 5 percent or $700,000 shall be allocated to the United States Fish and Wildlife Service to cover costs incurred in administering the proposals by any entity; and

''(2) $2,000,000, which shall be allocated for the activities of the Great Lakes Coordination Office in East Lansing, Michigan, of the Upper Great Lakes Fishery Resources Office, and the Lower Great Lakes Fishery Resources Office under section 1007.''.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

NORTH AMERICAN WETLANDS CONSERVATION REAUTHORIZATION ACT OF 2006

TO REVISE THE BOUNDARIES OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM JEKYLL ISLAND UNIT GA–06P

TO REPLACE A COASTAL BARRIER RESOURCES SYSTEM MAP RELATING TO COASTAL BARRIER RESOURCES SYSTEM GRAYTON BEACH UNIT FL–95P IN WALTON COUNTY, FLORIDA

LAKE MATTAMUSKEET LODGE PRESERVATION ACT

NATIONAL FISH HATCHERY SYSTEM VOLUNTEER ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate en bloc consideration of five bills received from the House: H.R. 5539, H.R. 138, H.R. 479, H.R. 5094, and H.R. 5381.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the bills be read the third time and passed, a motion to reconsider be laid upon the table, and any statements relating to the bills be printed in the RECORD, all en bloc.

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

The bills were ordered to a third reading, read the third time, and passed.

LONG ISLAND SOUND STEWARDSHIP ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 5160, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5160) to establish the Long Island Sound Stewardship Initiative.

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

Mr. FRIST. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (H.R. 5160) was ordered to a third reading, was read the third time, and passed.

BYRON NELSON CONGRESSIONAL GOLD MEDAL ACT

Mr. FRIST. I ask unanimous consent the committee on Banking, Housing and Urban Affairs be discharged from further consideration of H.R. 4902, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4902) to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

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

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The bill (H.R. 4902) was ordered to a third reading, was read the third time, and passed.

TYLERSVILLE FISH HATCHERY CONVEYANCE ACT

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 629, H.R. 4957.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4957) to direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania, and for other purposes.

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

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (H.R. 4957) was ordered to a third reading, was read the third time, and passed.

ANIMAL ENTERPRISE TERRORISM ACT

Mr. FRIST. I ask unanimous consent the Committee on the Judiciary be discharged from further consideration of S. 3880, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3880) to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

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

Mr. LEAHY. Mr. President, I thank the senior Senator from California for addressing concerns I had with an earlier version of this bill. I was particularly concerned about the apparent disconnect between the substantive offense created by the bill and the misdemeanor penalty for its violation. The offense requires proof that a defendant, for the purpose of damaging or interfering with the operations of an animal enterprise, ''intentionally damages, or causes the loss of any property (including animals or records)'' used by an animal enterprise. By contrast, the misdemeanor penalty provision applied to offenses involving ''exclusively nonviolent physical obstruction'' of an animal enterprise facility, resulting in no bodily injury, no property damage, and no loss of profits.

It is difficult to imagine how a person can intentionally damage property, or intentionally cause the loss of property, while at the same time be engaged exclusively in nonviolent physical obstruction that causes no real harm. The only way these provisions could be reconciled would be by watering down the criminal prohibition to extend to peaceful conduct that the bill was never intended to cover.

The current version of the bill clears up the confusion. It strikes the misdemeanor provision in its entirety and clarifies that the substantive offense created by the bill requires proof of intentional damage to real or personal property, not simply a loss of profits. These changes will ensure that legitimate, peaceful conduct is not chilled by the threat of Federal prosecution, and that prosecution is reserved for the worst offenders.

Mr. FRIST. I ask unanimous consent the amendment 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 any statements be printed in the RECORD.

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

The amendment (No. 5115), was agreed to, as follows:

AMENDMENT NO. 5115

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Animal Enterprise Terrorism Act''.

SEC. 2. INCLUSION OF ECONOMIC DAMAGE TO ANIMAL ENTERPRISES AND THREATS OF DEATH AND SERIOUS BODILY INJURY TO ASSOCIATED PERSONS.

(a) IN GENERAL.—Section 43 of title 18, United States Code, is amended to read as follows:

''§ 43. Force, violence, and threats involving animal enterprises

''(a) OFFENSE.—Whoever travels in interstate or foreign commerce, or uses or causes to be used the mail or any facility of interstate or foreign commerce—

''(1) for the purpose of damaging or interfering with the operations of an animal enterprise; and

''(2) in connection with such purpose—

''(A) intentionally damages or causes the loss of any real or personal property (including animals or records) used by an animal enterprise, or any real or personal property of a person or entity having a connection to, relationship with, or transactions with an animal enterprise;

''(B) intentionally places a person in reasonable fear of the death of, or serious bodily injury to that person, a member of the immediate family (as defined in section 115) of that person, or a spouse or intimate partner of that person by a course of conduct involving threats, acts of vandalism, property damage, criminal trespass, harassment, or intimidation; or

''(C) conspires or attempts to do so; shall be punished as provided for in subsection (b).

''(b) PENALTIES.—The punishment for a violation of section (a) or an attempt or conspiracy to violate subsection (a) shall be—

''(1) a fine under this title or imprisonment not more than 1 year, or both, if the offense does not instill in another the reasonable fear of serious bodily injury or death and—

''(A) the offense results in no economic damage or bodily injury; or

''(B) the offense results in economic damage that does not exceed $10,000;

''(2) a fine under this title or imprisonment for not more than 5 years, or both, if no bodily injury occurs and—

''(A) the offense results in economic damage exceeding $10,000 but not exceeding $100,000; or

''(B) the offense instills in another the reasonable fear of serious bodily injury or death;

''(3) a fine under this title or imprisonment for not more than 10 years, or both, if—

''(A) the offense results in economic damage exceeding $100,000; or

''(B) the offense results in substantial bodily injury to another individual;

''(4) a fine under this title or imprisonment for not more than 20 years, or both, if—

''(A) the offense results in serious bodily injury to another individual; or

''(B) the offense results in economic damage exceeding $1,000,000; and

''(5) imprisonment for life or for any terms of years, a fine under this title, or both, if the offense results in death of another individual.

''(c) RESTITUTION.—An order of restitution under section 3663 or 3663A of this title with respect to a violation of this section may also include restitution—

''(1) for the reasonable cost of repeating any experimentation that was interrupted or invalidated as a result of the offense;

''(2) for the loss of food production or farm income reasonably attributable to the offense; and

''(3) for any other economic damage, including any losses or costs caused by economic disruption, resulting from the offense.

''(d) DEFINITIONS.—As used in this section—

''(1) the term 'animal enterprise' means—

''(A) a commercial or academic enterprise that uses or sells animals or animal products for profit, food or fiber production, agriculture, education, research, or testing;

''(B) a zoo, aquarium, animal shelter, pet store, breeder, furrier, circus, or rodeo, or other lawful competitive animal event; or

''(C) any fair or similar event intended to advance agricultural arts and sciences;

''(2) the term 'course of conduct' means a pattern of conduct composed of 2 or more acts, evidencing a continuity of purpose;

''(3) the term 'economic damage'—

''(A) means the replacement costs of lost or damaged property or records, the costs of repeating an interrupted or invalidated experiment, the loss of profits, or increased costs, including losses and increased costs resulting from threats, acts or vandalism, property damage, trespass, harassment, or intimidation taken against a person or entity on account of that person's or entity's connection to, relationship with, or transactions with the animal enterprise; but

''(B) does not include any lawful economic disruption (including a lawful boycott) that results from lawful public, governmental, or business reaction to the disclosure of information about an animal enterprise;

''(4) the term 'serious bodily injury' means—

''(A) injury posing a substantial risk of death;

''(B) extreme physical pain;

''(C) protracted and obvious disfigurement; or

''(D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty; and

''(5) the term 'substantial bodily injury' means—

''(A) deep cuts and serious burns or abrasion;

''(B) short-term or nonobvious disfigurement;

''(C) fractured or dislocated bones, or torn members of the body;

''(D) significant physical pain;

''(E) illness;

''(F) short-term loss or impairment of the function of a bodily member, organ, or mental faculty; or

''(G) any other significant injury to the body.

''(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution;

''(2) to create new remedies for interference with activities protected by the free speech or free exercise clauses of the First Amendment to the Constitution, regardless of the point of view expressed, or to limit any existing legal remedies for such interference; or

''(3) to provide exclusive criminal penalties or civil remedies with respect to the conduct prohibited by this action, or to preempt State or local laws that may provide such penalties or remedies.''.

(b) CLERICAL AMENDMENT.—The item relating to section 43 in the table of sections at the beginning of chapter 3 of title 18, United States Code, is amended to read as follows:

''43. Force, violence, and threats involving animal enterprises.''.

The bill (S. 3880), as amended, was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 3880

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 ''Animal Enterprise Terrorism Act''.

SEC. 2. INCLUSION OF ECONOMIC DAMAGE TO ANIMAL ENTERPRISES AND THREATS OF DEATH AND SERIOUS BODILY INJURY TO ASSOCIATED PERSONS.

(a) IN GENERAL.—Section 43 of title 18, United States Code, is amended to read as follows:

''§ 43. Force, violence, and threats involving animal enterprises

''(a) OFFENSE.—Whoever travels in interstate or foreign commerce, or uses or causes to be used the mail or any facility of interstate or foreign commerce—

''(1) for the purpose of damaging or interfering with the operations of an animal enterprise; and

''(2) in connection with such purpose—

''(A) intentionally damages or causes the loss of any real or personal property (including animals or records) used by an animal enterprise, or any real or personal property of a person or entity having a connection to, relationship with, or transactions with an animal enterprise;

''(B) intentionally places a person in reasonable fear of the death of, or serious bodily injury to that person, a member of the immediate family (as defined in section 115) of that person, or a spouse or intimate partner of that person by a course of conduct involving threats, acts of vandalism, property damage, criminal trespass, harassment, or intimidation; or

''(C) conspires or attempts to do so;

shall be punished as provided for in subsection (b).

''(b) PENALTIES.—The punishment for a violation of section (a) or an attempt or conspiracy to violate subsection (a) shall be—

''(1) a fine under this title or imprisonment not more than 1 year, or both, if the offense does not instill in another the reasonable fear of serious bodily injury or death and—

''(A) the offense results in no economic damage or bodily injury; or

''(B) the offense results in economic damage that does not exceed $10,000;

''(2) a fine under this title or imprisonment for not more than 5 years, or both, if no bodily injury occurs and—

''(A) the offense results in economic damage exceeding $10,000 but not exceeding $100,000; or

''(B) the offense instills in another the reasonable fear of serious bodily injury or death;

''(3) a fine under this title or imprisonment for not more than 10 years, or both, if—

''(A) the offense results in economic damage exceeding $100,000; or

''(B) the offense results in substantial bodily injury to another individual;

''(4) a fine under this title or imprisonment for not more than 20 years, or both, if—

''(A) the offense results in serious bodily injury to another individual; or

''(B) the offense results in economic damage exceeding $1,000,000; and

''(5) imprisonment for life or for any terms of years, a fine under this title, or both, if the offense results in death of another individual.

''(c) RESTITUTION.—An order of restitution under section 3663 or 3663A of this title with respect to a violation of this section may also include restitution—

''(1) for the reasonable cost of repeating any experimentation that was interrupted or invalidated as a result of the offense;

''(2) for the loss of food production or farm income reasonably attributable to the offense; and

''(3) for any other economic damage, including any losses or costs caused by economic disruption, resulting from the offense.

''(d) DEFINITIONS.—As used in this section—

''(1) the term 'animal enterprise' means—

''(A) a commercial or academic enterprise that uses or sells animals or animal products for profit, food or fiber production, agriculture, education, research, or testing;

''(B) a zoo, aquarium, animal shelter, pet store, breeder, furrier, circus, or rodeo, or other lawful competitive animal event; or

''(C) any fair or similar event intended to advance agricultural arts and sciences;

''(2) the term 'course of conduct' means a pattern of conduct composed of 2 or more acts, evidencing a continuity of purpose;

''(3) the term 'economic damage'—

''(A) means the replacement costs of lost or damaged property or records, the costs of repeating an interrupted or invalidated experiment, the loss of profits, or increased costs, including losses and increased costs resulting from threats, acts or vandalism, property damage, trespass, harassment, or intimidation taken against a person or entity on account of that person's or entity's connection to, relationship with, or transactions with the animal enterprise; but

''(B) does not include any lawful economic disruption (including a lawful boycott) that results from lawful public, governmental, or business reaction to the disclosure of information about an animal enterprise;

''(4) the term 'serious bodily injury' means—

''(A) injury posing a substantial risk of death;

''(B) extreme physical pain;

''(C) protracted and obvious disfigurement; or

''(D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty; and

''(5) the term 'substantial bodily injury' means—

''(A) deep cuts and serious burns or abrasions;

''(B) short-term or nonobvious disfigurement;

''(C) fractured or dislocated bones, or torn members of the body;

''(D) significant physical pain;

''(E) illness;

''(F) short-term loss or impairment of the function of a bodily member, organ, or mental faculty; or

''(G) any other significant injury to the body.

''(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution;

''(2) to create new remedies for interference with activities protected by the free speech or free exercise clauses of the First Amendment to the Constitution, regardless of the point of view expressed, or to limit any existing legal remedies for such interference; or

''(3) to provide exclusive criminal penalties or civil remedies with respect to the conduct prohibited by this action, or to preempt State or local laws that may provide such penalties or remedies.''.

(b) CLERICAL AMENDMENT.—The item relating to section 43 in the table of sections at the beginning of chapter 3 of title 18, United States Code, is amended to read as follows:

''43. Force, violence, and threats involving animal enterprises.''.

AMENDING THE INTERNAL REVENUE CODE OF 1986

Mr. FRIST. I ask unanimous consent the Finance Committee be discharged from further consideration of S. 3523 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3523) to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending.

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

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD.

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

The bill (S. 3523) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3523

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

SECTION 1. TAX COURT REVIEW OF REQUESTS FOR EQUITABLE INNOCENT SPOUSE RELIEF.

(a) IN GENERAL.—Paragraph (1) of section 6015(e) of the Internal Revenue Code of 1986 (relating to petition for tax court review) is amended by inserting ''or in the case of an individual who requests equitable relief under subsection (f)'' after ''who elects to have subsection (b) or (c) apply''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6015(e)(1)(A)(i)(II) of the Internal Revenue Code of 1986 is amended by inserting ''or request is made'' after ''election is filed''.

(2) Section 6015(e)(1)(B)(i) of such Code is amended—

(A) by inserting ''or requesting equitable relief under subsection (f)'' after ''making an election under subsection (b) or (c)'', and

(B) by inserting ''or request'' after ''to which such election''.

(3) Section 6015(e)(1)(B)(ii) of such Code is amended by inserting ''or to which the request under subsection (f) relates'' after ''to which the election under subsection (b) or (c) relates''.

(4) Section 6015(e)(4) of such Code is amended by inserting ''or the request for equitable relief under subsection (f)'' after ''the election under subsection (b) or (c)''.

(5) Section 6015(e)(5) of such Code is amended by inserting ''or who requests equitable relief under subsection (f)'' after ''who elects the application of subsection (b) or (c)''.

(6) Section 6015(g)(2) of such Code is amended by inserting ''or of any request for equitable relief under subsection (f)'' after ''any election under subsection (b) or (c)''.

(7) Section 6015(h)(2) of such Code is amended by inserting ''or a request for equitable relief made under subsection (f)'' after ''with respect to an election made under subsection (b) or (c)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to requests for equitable relief under section 6015(f) of the Internal Revenue Code of 1986 with respect to liability for taxes which are unpaid after the date of the enactment of this Act.

SAFE DRINKING WATER ACT AMENDMENTS

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 255, S. 1409.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1409) to amend the Safe Drinking Water Act Amendments of 1996 to modify the grant program to improve sanitation in rural and Native villages in the State of Alaska.

There being no objection, the Senate proceeded to consider the bill (S. 1409) to amend the Safe Drinking Water Act Amendments of 1996 to modify the grant program to improve sanitation in rural and Native villages in the State of Alaska, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

S. 1409

SECTION 1. GRANTS TO ALASKA TO IMPROVE SANITATION IN RURAL AND NATIVE VILLAGES.

Section 303 of the Safe Drinking Water Act Amendments of 1996 (33 U.S.C. 1263a) is amended—

(1) by redesignating subsection (e) as subsection (h);

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

''(e) REQUIREMENTS.—As a condition of receiving a grant under this section, the State of Alaska shall—

''(1) require each applicant to clearly identify the scope and the goal of the project for which funding is sought and how the funds will be used to meet the specific, stated goal of the project;

''(2) establish long-term goals for the program, including providing water and sewer systems to Alaska Native villages; and

''(3) carry out regular reviews of grantees to determine if the stated scope and goals of each grant are being met.

''(f) REPORTING.—The State of Alaska shall submit to the Administrator of the Environmental Protection Agency a report describing the information obtained under subsection (e), including—

''(1) the specific goals of each project;

''(2) how funds were used to meet the goal; and

''(3) whether the goals were met.

''(g) RECOMMENDATION.—The Administrator of the Environmental Protection Agency shall recommend to the State of Alaska means by which the State of Alaska can address any deficiencies identified in the report under subsection (f).''; and

(3) in subsection (h) (as redesignated by paragraph (1))—

(A) by striking ''$40,000,000'' and inserting ''$45,000,000''; and

(B) by striking ''2005'' and inserting ''2010''.

Mr. FRIST. I ask unanimous consent that the amendment at the desk be

agreed to, the committee-reported amendment as amended be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 5116) was agreed to, as follows:

On page 3, strike line 7 and insert the following:

''(f) REPORTING.—Not later than December 31, 2007 (with respect to fiscal year 2007), and annually thereafter (with respect to each subsequent fiscal year), the State of Alaska shall submit to

On page 3, strike line 14 and insert the following:

''(g) REVIEW.—

''(1) IN GENERAL.—The Administrator of the

On page 3, lines 15 through 17, strike ''recommend to the State of Alaska means by which the State of Alaska can address'' and insert ''require the State of Alaska to correct''.

On page 3, strike line 18 and insert the following:

section (f).

''(2) FAILURE TO CORRECT OR REACH AGREEMENT.—

''(A) IN GENERAL.—If a deficiency in a project included in a report under subsection (f) is not corrected within a period of time agreed to by the Administrator and the State of Alaska, the Administrator shall not permit additional expenditures for that project.

''(B) TIME AGREEMENT.—

''(i) IN GENERAL.—Not later than 180 days after the date of submission to the Administrator of a report under subsection (f), the Administrator and the State of Alaska shall reach an agreement on a period of time referred to in subparagraph (A).

''(ii) FAILURE TO REACH AGREEMENT.—If the State of Alaska and the Administrator fail to reach an agreement on the period of time to correct a deficiency in a project included in a report under subsection (f) by the deadline specified in clause (i), the Administrator shall not permit additional expenditures for that project.''; and

On page 3, line 24, strike ''2010'' and insert ''2009''.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1409), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1409

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

SECTION 1. GRANTS TO ALASKA TO IMPROVE SANITATION IN RURAL AND NATIVE VILLAGES.

Section 303 of the Safe Drinking Water Act Amendments of 1996 (33 U.S.C. 1263a) is amended—

(1) by redesignating subsection (e) as subsection (h);

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

''(e) REQUIREMENTS.—As a condition of receiving a grant under this section, the State of Alaska shall—

''(1) require each applicant to clearly identify the scope and the goal of the project for which funding is sought and how the funds will be used to meet the specific, stated goal of the project;

''(2) establish long-term goals for the program, including providing water and sewer systems to Alaska Native villages; and

''(3) carry out regular reviews of grantees to determine if the stated scope and goals of each grant are being met.

''(f) REPORTING.—The State of Alaska shall submit to the Administrator of the Environmental Protection Agency a report describing the information obtained under subsection (e), including—

''(1) the specific goals of each project;

''(2) how funds were used to meet the goal; and

''(3) whether the goals were met.

''(g) RECOMMENDATION.—The Administrator of the Environmental Protection Agency shall recommend to the State of Alaska means by which the State of Alaska can address any deficiencies identified in the report under subsection (f).''; and

(3) in subsection (h) (as redesignated by paragraph (1))—

(A) by striking ''$40,000,000'' and inserting ''$45,000,000''; and

(B) by striking ''2005'' and inserting ''2010''.

EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2006

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 639, S. 3938.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3938) to reauthorize the Export-Import Bank of the United States.

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

Mr. FRIST. I ask unanimous consent the amendment at the desk be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The amendment (No. 5117) was agreed to, as follows:

(Purpose: To eliminate the requirement that the Bank seek comments from the International Trade Commission)

On page 14, lines 8 and 9, strike ''the International Trade Commission,''.

The bill (S. 3938), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3938

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 ''Export-Import Bank Reauthorization Act of 2006''.

SEC. 2. EXTENSION OF AUTHORITY.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking ''2006'' and inserting ''2011''.

SEC. 3. SUB-SAHARAN AFRICA ADVISORY COMMITTEE.

Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking ''2006'' and inserting ''2011''.

SEC. 4. EXTENSION OF AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES OR SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES.

Section 1(c) of Public Law 103–428 (12 U.S.C. 635 note; 108 Stat. 4376) is amended by striking ''2001'' and inserting ''2011''.

SEC. 5. DESIGNATION OF SENSITIVE COMMERCIAL SECTORS AND PRODUCTS.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)) is amended by adding at the end the following new paragraph:

''(5) DESIGNATION OF SENSITIVE COMMERCIAL SECTORS AND PRODUCTS.—Not later than 120 days after the date of the enactment of this Act, the Export-Import Bank of the United States shall submit a list to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, which designates sensitive commercial sectors and products with respect to which the provision of financing support by the Bank is deemed unlikely by the President of the Bank due to the significant potential for a determination that such financing support would result in an adverse economic impact on the United States. The President of the Bank shall review on an annual basis thereafter the list of sensitive commercial sectors and products and the Bank shall submit an updated list to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of such sectors and products.''.

SEC. 6. INCREASING EXPORTS BY SMALL BUSINESS.

(a) IN GENERAL.—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a) is amended by adding at the end the following:

''(f) SMALL BUSINESS DIVISION.—

''(1) ESTABLISHMENT.—There is established a Small Business Division (in this subsection referred to as the 'Division') within the Bank in order to—

''(A) carry out the provisions of subparagraphs (E) and (I) of section 2(b)(1) relating to outreach, feedback, product improvement, and transaction advocacy for small business concerns;

''(B) advise and seek feedback from small business concerns on the opportunities and benefits for small business concerns in the financing products offered by the Bank, with particular emphasis on conducting outreach, enhancing the tailoring of products to small business needs and increasing loans to small business concerns;

''(C) maintain liaison with the Small Business Administration and other departments and agencies in matters affecting small business concerns; and

''(D) provide oversight of the development, implementation, and operation of technology improvements to strengthen small business outreach, including the technology improvement required by section 2(b)(1)(E)(x).

''(2) MANAGEMENT.—The President of the Bank shall appoint an officer, who shall rank not lower than senior vice president and whose sole executive function shall be to manage the Division. The officer shall—

''(A) have substantial recent experience in financing exports by small business concerns; and

''(B) advise the Board, particularly the director appointed under section 3(c)(8)(B) to represent the interests of small business, on matters of interest to, and concern for, small business.

''(3) STAFF.—

''(A) DEDICATED PERSONNEL.—The President of the Bank shall ensure that each operating division within the Bank has staff that

specializes in processing transactions that primarily benefit small business concerns.

''(B) RESPONSIBILITIES.—The small business specialists shall be involved in all aspects of processing applications for loans, guarantees, and insurance to support exports by small business concerns, including the approval or disapproval, or staff recommendations of approval or disapproval, as applicable, of such applications. In carrying out these responsibilities, the small business specialists shall consider the unique business requirements of small businesses and shall develop exporter performance criteria tailored to small business exporters.

''(C) APPROVAL AUTHORITY.—In an effort to maximize the speed and efficiency with which the Bank processes transactions primarily benefitting small business concerns, the small business specialists shall be authorized to approve applications for working capital loans and guarantees, and insurance in accordance with policies and procedures established by the Board.

''(D) IDENTIFICATION.—The Bank shall prominently identify the small business specialists on its website and in promotional material.

''(E) EMPLOYEE EVALUATIONS.—The evaluation of staff designated by the President of the Bank under subparagraph (A), including annual reviews of performance of duties related to transactions in support of exports by small business concerns, and any resulting recommendations for salary adjustments, promotions, and other personnel actions, shall address the criteria established pursuant to subsection (g)(2)(B)(iii) and shall be conducted by the manager of the relevant operating division following consultation with the senior vice president of the Division.

''(F) STAFF RECOMMENDATIONS.—Staff recommendations of denial or withdrawal for medium-term applications, exporter held multi-buyer policies, single buyer policies, and working capital applications processed by the Bank shall be transmitted to the Senior Vice President of the Division not later than 2 business days before a final decision.

''(4) RULE OF INTERPRETATION.—Nothing in this Act shall be construed to prevent the delegation to the Division of any authority necessary to carry out subparagraphs (E) and (I) of section 2(b)(1).

''(g) SMALL BUSINESS COMMITTEE.—

''(1) ESTABLISHMENT.—There is established a management committee to be known as the 'Small Business Committee'.

''(2) PURPOSE AND DUTIES.—

''(A) PURPOSE.—The purpose of the Small Business Committee shall be to coordinate the Bank's initiatives and policies with respect to small business concerns, including the timely processing and underwriting of transactions involving direct exports by small business concerns, and the development and coordination of efforts to implement new or enhanced Bank products and services pertaining to small business concerns.

''(B) DUTIES.—The duties of the Small Business Committee shall be determined by the President of the Bank and shall include the following:

''(i) Assisting in the development of the Bank's small business strategic plans, including the Bank's plans for carrying out section 2(b)(1)(E) (v) and (x), and measuring and reporting in writing to the President of the Bank, at least once a year, on the Bank's progress in achieving the goals set forth in the plans.

''(ii) Evaluating and reporting in writing to the President of the Bank, at least once a year, with respect to—

''(I) the performance of each operating division of the Bank in serving small business concerns;

''(II) the impact of processing and underwriting standards on transactions involving direct exports by small business concerns; and

''(III) the adequacy of the staffing and resources of the Small Business Division.

''(iii) Establishing criteria for evaluating the performance of staff designated by the President of the Bank under section 3(f)(3)(A).

''(iv) Coordinating with other United States Government departments and agencies the provision of services to small business concerns.

''(3) COMPOSITION.—

''(A) CHAIRPERSON.—The Chairperson of the Small Business Committee shall be the senior vice president of the Small Business Division. The Chairperson shall have the authority to call meetings of the Small Business Committee, set the agenda for Committee meetings, and request policy recommendations from the Committee's members.

''(B) OTHER MEMBERS.—Except as otherwise provided in this subsection, the President of the Bank shall determine the composition of the Small Business Committee, and shall appoint or remove the members of the Small Business Committee. In making such appointments, the President of the Bank shall ensure that the Small Business Committee is comprised of—

''(i) the senior managing officers responsible for underwriting and processing transactions; and

''(ii) other officers and employees of the Bank with responsibility for outreach to small business concerns and underwriting and processing transactions that involve small business concerns.

''(4) REPORTING.—The Chairperson shall provide to the President of the Bank minutes of each meeting of the Small Business Committee, including any recommendations by the Committee or its individual members.''.

(b) ENHANCE DELEGATED LOAN AUTHORITY FOR MEDIUM TERM TRANSACTIONS.—

(1) IN GENERAL.—The Export-Import Bank of the United States shall seek to expand the exercise of authority under section 2(b)(1)(E)(vii) of the Export-Import Bank Act of 1945 (6 U.S.C. 635(b)(1)(E)(vii)) with respect to medium term transactions for small business concerns.

(2) CONFORMING AMENDMENT.—Section 2(b)(1)(E)(vii)(III) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(vii)(III)) is amended by inserting ''or other financing institutions or entities'' after ''consortia''.

(3) DEADLINE.—Not later than 180 days after the date of the enactment of this Act, the Export-Import Bank of the United States shall make available lines of credit and guarantees to carry out section 2(b)(1)(E)(vii) of the Export-Import Bank Act of 1945 pursuant to policies and procedures established by the Board of Directors of the Export-Import Bank of the United States.

SEC. 7. ANTI-CIRCUMVENTION.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)) is amended—

(1) by inserting after paragraph (1), the following flush paragraph:

''In making the determination under subparagraph (B), the Bank shall determine whether the facility that would benefit from the extension of a credit or guarantee is reasonably likely to produce commodities in addition to or other than the commodity specified in the application and whether the production of the additional commodities may cause substantial injury to United States producers of the same, or a similar or competing, commodity.'';

(2) in paragraph (2), by adding at the end the following:

''(E) ANTI-CIRCUMVENTION.—The Bank shall not provide a loan or guarantee if the Bank determines that providing the loan or guarantee will facilitate circumvention of a trade law order or determination referred to in subparagraph (A).''; and

(3) by adding at the end the following:

''(5) FINANCIAL THRESHOLD DETERMINATIONS.—For purposes of determining whether a proposed transaction exceeds a financial threshold under this subsection or under the procedures or rules of the Bank, the Bank shall aggregate the dollar amount of the proposed transaction and the dollar amounts of all loans and guarantees, approved by the Bank in the preceding 24-month period, that involved the same foreign entity and substantially the same product to be produced.''.

SEC. 8. TRANSPARENCY.

(a) IN GENERAL.—Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)), as amended by section 7 of this Act, is amended by adding at the end the following:

''(6) PROCEDURES TO REDUCE ADVERSE EFFECTS OF LOANS AND GUARANTEES ON INDUSTRIES AND EMPLOYMENT IN UNITED STATES.—

''(A) CONSIDERATION OF ECONOMIC EFFECTS OF PROPOSED TRANSACTIONS.—If, in making a determination under this paragraph with respect to a loan or guarantee, the Bank conducts a detailed economic impact analysis or similar study, the analysis or study, as the case may be, shall include consideration of—

''(i) the factors set forth in subparagraphs (A) and (B) of paragraph (1); and

''(ii) the views of the public and interested parties.

''(B) NOTICE AND COMMENT REQUIREMENTS.—

''(i) IN GENERAL.—If, in making a determination under this subsection with respect to a loan or guarantee, the Bank intends to conduct a detailed economic impact analysis or similar study, the Bank shall publish in the Federal Register a notice of the intent, and provide a period of not less than 14 days (which, on request by any affected party, shall be extended to a period of not more than 30 days) for the submission to the Bank of comments on the economic effects of the provision of the loan or guarantee, including comments on the factors set forth in subparagraphs (A) and (B) of paragraph (1). In addition, the Bank shall seek comments on the effects from the Department of Commerce, the International Trade Commission, the Office of Management and Budget, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

''(ii) CONTENT OF NOTICE.—The notice shall include appropriate, nonproprietary information about—

''(I) the country to which the goods involved in the transaction will be shipped;

''(II) the type of goods being exported;

''(III) the amount of the loan or guarantee involved;

''(IV) the goods that would be produced as a result of the provision of the loan or guarantee;

''(V) the amount of increased production that will result from the transaction;

''(VI) the potential sales market for the resulting goods; and

''(VII) the value of the transaction.

''(iii) PROCEDURE REGARDING MATERIALLY CHANGED APPLICATIONS.—

''(I) IN GENERAL.—If a material change is made to an application for a loan or guarantee from the Bank after a notice with respect to the intent described in clause (i) is published under this subparagraph, the Bank

shall publish in the Federal Register a revised notice of the intent, and shall provide for a comment period, as provided in clauses (i) and (ii).

''(II) MATERIAL CHANGE DEFINED.—In subclause (I), the term 'material change', with respect to an application, includes—

''(aa) a change of at least 25 percent in the amount of a loan or guarantee requested in the application; and

''(bb) a change in the principal product to be produced as a result of any transaction that would be facilitated by the provision of the loan or guarantee.

''(C) REQUIREMENT TO ADDRESS VIEWS OF ADVERSELY AFFECTED PERSONS.—Before taking final action on an application for a loan or guarantee to which this section applies, the staff of the Bank shall provide in writing to the Board of Directors the views of any person who submitted comments pursuant to subparagraph (B).

''(D) PUBLICATION OF CONCLUSIONS.—Within 30 days after a party affected by a final decision of the Board of Directors with respect to a loan or guarantee makes a written request therefor, the Bank shall provide to the affected party a non-confidential summary of the facts found and conclusions reached in any detailed economic impact analysis or similar study conducted pursuant to subparagraph (B) with respect to the loan or guarantee, that were submitted to the Board of Directors.

''(E) RULE OF INTERPRETATION.—This paragraph shall not be construed to make subchapter II of chapter 5 of title 5, United States Code, applicable to the Bank.

''(F) REGULATIONS.—The Bank shall implement such regulations and procedures as may be appropriate to carry out this paragraph.''.

(b) CONFORMING AMENDMENT.—Section 2(e)(2)(C) of such Act (12 U.S.C. 635(e)(2)(C)) is amended by inserting ''of not less than 14 days (which, on request of any affected party, shall be extended to a period of not more than 30 days)'' after ''comment period''.

SEC. 9. AGGREGATE LOAN, GUARANTEE, AND INSURANCE AUTHORITY.

Subparagraph (E) of section 6(a)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)(2)) is amended to read as follows:

''(E) during fiscal year 2006, and each fiscal year thereafter through fiscal 2011.''.

SEC. 10. TIED AID CREDIT PROGRAM.

Section 10(b)(5)(B)(ii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(b)(5)(B)(ii)) is amended to read as follows:

''(ii) PROCESS.—In handling individual applications involving the use or potential use of the Tied Aid Credit Fund the following process shall exclusively apply pursuant to subparagraph (A):

''(I) The Bank shall process an application for tied aid in accordance with the principles and standards developed pursuant to subparagraph (A) and clause (i) of this subparagraph.

''(II) Twenty days prior to the scheduled meeting of the Board of Directors at which an application will be considered (unless the Bank determines that an earlier discussion is appropriate based on the facts of a particular financing), the Bank shall brief the Secretary on the application and deliver to the Secretary such documents, information, or data as may reasonably be necessary to permit the Secretary to review the application to determine if the application complies with the principles and standards developed pursuant to subparagraph (A) and clause (i) of subparagraph (B).

''(III) The Secretary may request a single postponement of the Board of Directors' consideration of the application for up to 14 days to allow the Secretary to submit to the Board of Directors a memorandum objecting to the application.

''(IV) Case-by-case decisions on whether to approve the use of the Tied Aid Credit Fund shall be made by the Board of Directors, except that the approval of the Board of Directors (or a commitment letter based on that approval) shall not become final (except as provided in subclause (V)), if the Secretary indicates to the President of the Bank in writing the Secretary's intention to appeal the decision of the Board of Directors to the President of the United States and makes the appeal in writing not later than 20 days after the meeting at which the Board of Directors considered the application.

''(V) The Bank shall not grant final approval of an application for any tied aid credit (or a commitment letter based on that approval) if the President of the United States, after consulting with the President of the Bank and the Secretary, determines within 30 days of an appeal by the Secretary under subclause (IV) that the extension of the tied aid credit would materially impede achieving the purposes described in subsection (a)(6). If no such Presidential determination is made during the 30-day period, the approval by the Bank of the application (or related commitment letter) that was the subject of such appeal shall become final.''.

SEC. 11. PROHIBITION ON ASSISTANCE TO DEVELOP OR PROMOTE CERTAIN RAILWAY CONNECTIONS AND RAILWAY-RELATED CONNECTIONS.

Section 2(b) of the Export-Import Act of 1945 (12 U.S.C. 635(b)) is amended by adding at the end the following new paragraph:

''(13) PROHIBITION ON ASSISTANCE TO DEVELOP OR PROMOTE CERTAIN RAILWAY CONNECTIONS AND RAILWAY-RELATED CONNECTIONS.—The Bank shall not guarantee, insure, or extend (or participate in the extension of) credit in connection with the export of any good or service relating to the development or promotion of any railway connection or railway-related connection that does not traverse or connect with Armenia and does traverse or connect Baku, Azerbaijan, Tbilisi, Georgia, and Kars, Turkey.''.

CONVENTION ON SUPPLEMENTARY COMPENSATION FOR NUCLEAR DAMAGE CONTINGENT COST ALLOCATION ACT

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 636, S. 3879.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 3879) to implement the Convention on Supplementary Compensation for Nuclear Damage and other purposes.

There being no objection, the Senate proceeded to consider the bill (S. 3879), to implement the Convention on Supplementary Compensation for Nuclear Damage, and for other purposes, which had been reported from the Committee on Environment and Public Works, with amendments, as follows:

(The parts of the bill or joint resolution intended to be stricken are shown in boldface brackets and the parts of the bill or joint resolution intended to be inserted are shown in italic.)

S. 3879

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 ''Convention on Supplementary Compensation for Nuclear Damage Contingent Cost Allocation Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the ''Price-Anderson Act'')—

(A) provides a predictable legal framework necessary for nuclear projects; and

(B) ensures prompt and equitable compensation in the event of a nuclear incident in the United States;

(2) section 170 of that Act, in effect, provides operators of nuclear powerplants with insurance for damage arising out of a nuclear incident and funds the insurance primarily through the assessment of a retrospective premium from each operator after the occurrence of a nuclear incident;

(3) the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997, will establish a global system—

(A) to provide a predictable legal framework necessary for nuclear energy projects; and

(B) to ensure prompt and equitable compensation in the event of a nuclear incident;

(4) the Convention benefits United States nuclear suppliers that face potentially unlimited liability for a nuclear incidents outside the coverage of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) by replacing a potentially open-ended liability with a predictable liability regime that, in effect, provides nuclear suppliers with insurance for damage arising out of such an incident;

(5) the Convention also benefits United States nuclear facility operators that may be publicly liable for a Price-Anderson incident by providing an additional early source for a Price-Anderson incident by providing an additional early source of funds to compensate damage arising out of the Price-Anderson incident;

(6) the combined operation of the Convention, section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), and this Act will augment the quantity of assured funds available for victims in a wider variety of nuclear incidents while reducing the potential liability of United States suppliers without increasing potential costs to United States operators;

(7) the cost of those benefits is the obligation of the United States to contribute to the supplementary compensation fund established by the Convention;

(8) any such contribution should be funded in a manner that neither upsets settled expectations based on the liability regime established under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) nor shifts to Federal taxpayers liability risks for nuclear incidents at foreign installations;

(9) with respect to a Price-Anderson incident, funds already available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) should be used; and

(10) with respect to a nuclear incident *outside the United States* not covered by section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), a retrospective premium should be prorated among nuclear suppliers relieved from potential liability for which insurance is not available.

(b) PURPOSE.—The purpose of this Act is to allocate the contingent costs associated with participation by the United States in the international nuclear liability compensation system established by the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997—

(1) with respect to a Price-Anderson incident, by using funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) to cover the contingent costs in a manner that neither increases the burdens nor decreases the benefits under section 170 of that Act; and

(2) with respect to a covered incident *outside the United States* that is not a Price-Anderson incident, by allocating the contingent costs equitably, on the basis of risk, among the class of nuclear suppliers relieved by the Convention from the risk of potential liability resulting from any covered incident *outside the United States*.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Nuclear Regulatory Commission.

(2) CONTINGENT COST.—The term ''contingent cost'' means the cost to the United States in the event of a covered incident the amount of which is equal to the amount of funds the United States is obligated to make available under paragraph 1(b) of Article III of the Convention.

(3) CONVENTION.—The term ''Convention'' means the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997.

(4) COVERED INCIDENT.—The term ''covered incident'' means a nuclear incident the occurrence of which results in a request for funds pursuant to Article VII of the Convention.

(5) COVERED INSTALLATION.—The term ''covered installation'' means a nuclear installation at which the occurrence of a nuclear incident could result in a request for funds under Article VII of the Convention.

(6) COVERED PERSON.—

(A) IN GENERAL.—The term ''covered person'' means—

(i) a United States person; and

(ii) an individual or entity (including an agency or instrumentality of a foreign country) that—

(I) is located in the United States; or

(II) carries out an activity in the United States.

(B) EXCLUSIONS.—The term ''covered person'' does not include—

(i) the United States; or

(ii) any agency or instrumentality of the United States.

(7) NUCLEAR SUPPLIER.—The term ''nuclear supplier'' means a covered person (or a successor in interest of a covered person) that—

(A) supplies facilities, equipment, fuel, services, or technology pertaining to the design, construction, operation, or decommissioning of a covered installation; or

(B) transports nuclear materials that could result in a covered incident.

(8) PRICE-ANDERSON INCIDENT.—The term ''Price-Anderson incident'' means a covered incident for which section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) would make funds available to compensate for public liability (as defined in section 11 of that Act (42 U.S.C. 2014)).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(10) UNITED STATES.—

(A) IN GENERAL.—The term ''United States'' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(B) INCLUSIONS.—The term ''United States'' includes—

(i) the Commonwealth of Puerto Rico;

(ii) any other territory or possession of the United States;

(iii) the Canal Zone; and

(iv) the waters of the United States territorial sea under Presidential Proclamation Number 5928, dated December 27, 1988 (43 U.S.C. 1331 note).

(11) UNITED STATES PERSON.—The term ''United States person'' means—

(A) any individual who is a resident, national, or citizen of the United States (other than an individual residing outside of the United States and employed by a person who is not a United States person); and

(B) any corporation, partnership, association, joint stock company, business trust, unincorporated organization, or sole proprietorship that is organized under the laws of the United States.

SEC. 4. USE OF PRICE-ANDERSON FUNDS.

(a) IN GENERAL.—Funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) shall be used to cover the contingent cost resulting from any Price-Anderson incident.

(b) EFFECT.—The use of funds pursuant to subsection (a) shall not reduce the limitation on public liability established under section 170 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)).

SEC. 5. EFFECT ON AMOUNT OF PUBLIC LIABILITY.

(a) IN GENERAL.—Funds made available to the United States under Article VII of the Convention with respect to a Price-Anderson incident shall be used to satisfy public liability resulting from the Price-Anderson incident.

(b) AMOUNT.—The amount of public liability allowable under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) relating to a Price-Anderson incident under subsection (a) shall be increased by an amount equal to the difference between—

(1) the amount of funds made available for the Price-Anderson incident under Article VII of the Convention; and

(2) the amount of funds used under section 4 to cover the contingent cost resulting from the Price-Anderson incident.

SEC. 6. RETROSPECTIVE RISK POOLING PROGRAM.

(a) IN GENERAL.—Except as provided in subsection (b), each nuclear supplier shall participate in a retrospective risk pooling program in accordance with this Act to cover the contingent cost resulting from a covered incident *outside the United States* that is not a Price-Anderson incident.

(b) DEFERRED PAYMENT.—

(1) IN GENERAL.—The obligation of a nuclear supplier to participate in the retrospective risk pooling program shall be deferred until the United States is called on to provide funds pursuant to Article VII of the Convention with respect to a covered incident that is not a Price-Anderson incident.

(2) AMOUNT OF DEFERRED PAYMENT.—The amount of a deferred payment of a nuclear supplier under paragraph (1) shall be based on the risk-informed assessment formula determined under paragraph (3).

(3) RISK-INFORMED ASSESSMENT FORMULA.—

(A) IN GENERAL.—[The] *Not later than 3 years after the date of enactment of this Act, and every 5 years thereafter, the* Secretary shall, by regulation, determine the risk-informed assessment formula for the allocation among nuclear suppliers of the contingent cost resulting from a covered incident that is not a Price-Anderson incident, taking into account risk factors such as—

(i) the nature and intended purpose of the goods and services supplied by each nuclear supplier to each covered installation *outside the United States*;

(ii) the quantity of the goods and services supplied by each nuclear supplier to each covered installation *outside the United States*;

(iii) the hazards associated with the supplied goods and services if the goods and services fail to achieve the intended purposes;

(iv) the hazards associated with the covered installation *outside the United States* to which the goods and services are supplied;

(v) the legal, regulatory, and financial infrastructure associated with the covered installation *outside the United States* to which the goods and services are supplied; and

(vi) the hazards associated with particular forms of transportation.

(B) FACTORS FOR CONSIDERATION.—In determining the formula, the Secretary may—

(i) exclude—

(I) goods and services with negligible risk;

(II) classes of goods and services not intended specifically for use in a nuclear installation;

(III) a nuclear supplier with a de minimis share of the contingent cost; and

(IV) a nuclear supplier no longer in existence for which there is no identifiable successor; and

(ii) establish the period on which the risk assessment is based.

(C) APPLICATION.—In applying the formula, the Secretary shall not consider any covered installation or transportation for which funds would be available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210).

(D) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on whether there is a need for continuation or amendment of this Act, taking into account the effects of the implementation of the Convention on the United States nuclear industry and suppliers.

SEC. 7. REPORTING.

(a) COLLECTION OF INFORMATION.—

(1) IN GENERAL.—The Secretary may collect information necessary for developing and implementing the formula for calculating the deferred payment of a nuclear supplier under section 6(b).

(2) PROVISION OF INFORMATION.—Each nuclear supplier and other appropriate persons shall make available to the Secretary such information, reports, records, documents, and other data as the Secretary determines, by regulation, to be necessary or appropriate to develop and implement the formula under section 6(b)(3).

(b) PRIVATE INSURANCE.—The Secretary shall make available to nuclear suppliers, and insurers of nuclear suppliers, information to support the voluntary establishment and maintenance of private insurance against any risk for which nuclear suppliers may be required to pay deferred payments under this Act.

SEC. 8. EFFECT ON LIABILITY.

Nothing in any other law (including regulations) limits liability for a covered incident to an amount equal to less than the amount prescribed in paragraph 1(a) of Article IV of the Convention, unless the law—

(1) specifically refers to this Act; and

(2) explicitly repeals, alters, amends, modifies, impairs, displaces, or supersedes the effect of this section.

SEC. 9. PAYMENTS TO AND BY THE UNITED STATES.

(a) ACTION BY NUCLEAR SUPPLIERS.—

(1) NOTIFICATION.—In the case of a request for funds under Article VII of the Convention resulting from a covered incident that is not a Price-Anderson incident, the Secretary shall notify each nuclear supplier of the amount of the deferred payment required to be made by the nuclear supplier.

(2) PAYMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 60 days after receipt of a notification under paragraph (1), a nuclear supplier shall pay to the

general fund of the Treasury the deferred payment of the nuclear supplier required under paragraph (1).

(B) ANNUAL PAYMENTS.—A nuclear supplier may elect to prorate payment of the deferred payment required under paragraph (1) in 5 equal annual payments (including interest on the unpaid balance at the prime rate prevailing at the time the first payment is due).

(3) VOUCHERS.—A nuclear supplier shall submit payment certification vouchers to the Secretary of the Treasury in accordance with section 3325 of title 31, United States Code.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Amounts paid into the Treasury under subsection (a) shall be available to the Secretary of the Treasury, without further appropriation and without fiscal year limitation, for the purpose of making the contributions of public funds required to be made by the United States under the Convention.

(2) ACTION BY SECRETARY OF TREASURY.—The Secretary of the Treasury shall pay the contribution required under the Convention to the court of competent jurisdiction under Article XIII of the Convention with respect to the applicable covered incident.

(c) FAILURE TO PAY.—If a nuclear supplier fails to make a payment required under this section, the Secretary may take appropriate action to recover from the nuclear supplier—

(1) the amount of the payment due from the nuclear supplier;

(2) any applicable interest on the payment; and

(3) a penalty of not more than twice the amount of the deferred payment due from the nuclear supplier.

SEC. 10. LIMITATION ON JUDICIAL REVIEW; CAUSE OF ACTION.

(a) LIMITATION ON JUDICIAL REVIEW.—

(1) IN GENERAL.—In any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, any appeal or review by writ of mandamus or otherwise with respect to a nuclear incident that is not a Price-Anderson incident shall be in accordance with chapter 83 of title 28, United States Code, except that the appeal or review shall occur in the United States Court of Appeals for the District of Columbia Circuit.

(2) SUPREME COURT JURISDICTION.—Nothing in this subsection affects the jurisdiction of the Supreme Court of the United States under chapter 81 of title 28, United States Code.

(b) CAUSE OF ACTION.—

(1) IN GENERAL.—Subject to paragraph (2), in any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, in addition to any other cause of action that may exist, an individual or entity shall have a cause of action against the operator to recover for nuclear damage suffered by the individual or entity.

(2) REQUIREMENT.—Paragraph (1) shall apply only if the individual or entity seeks a remedy for nuclear damage (as defined in Article I of the Convention) that was caused by a nuclear incident (as defined in Article I of the Convention) that is not a Price-Anderson incident.

(3) EFFECT OF SUBSECTION.—Nothing in this subsection limits, modifies, extinguishes, or otherwise affects any cause of action that would have existed in the absence of enactment of this subsection.

SEC. 11. RIGHT OF RECOURSE.

This Act does not provide to an operator of a covered installation any right of recourse under the Convention.

SEC. 12. PROTECTION OF SENSITIVE UNITED STATES INFORMATION.

Nothing in the Convention or this Act requires the disclosure of—

(1) any data that, at any time, was Restricted Data (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014));

(2) information relating to intelligence sources or methods protected by section 102A(i) of the National Security Act of 1947 (50 U.S.C. 403–1(i)); or

(3) national security information classified under Executive Order 12958 (50 U.S.C. 435 note; relating to classified national security information) (or a successor regulation).

SEC. 13. REGULATIONS.

(a) IN GENERAL.—The Secretary or the Commission, as appropriate, may prescribe regulations to carry out section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this Act.

(b) REQUIREMENT.—Rules prescribed under this section shall ensure, to the maximum extent practicable, that—

(1) the implementation of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this Act is consistent and equitable; and

(2) the financial and operational burden on a Commission licensee in complying with section 170 of that Act is not greater as a result of the enactment of this Act.

(c) APPLICABILITY OF PROVISION.—Section 553 of title 5, United States Code, shall apply with respect to the promulgation of regulations under this section.

(d) EFFECT OF SECTION.—The authority provided under this section is in addition to, and does not impair or otherwise affect, any other authority of the Secretary or the Commission to prescribe regulations.

SEC. 14. EFFECTIVE DATE.

This Act takes effect on the date on which the Convention enters into force for the United States under Article XX of the Convention.

Mr. FRIST. I ask unanimous consent that the amendment at the desk be agreed to, the committee-reported amendments as amended, if amended, be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The amendment (No. 5118) was agreed to, as follows:

(Purpose: To require the Secretary of Energy to submit periodic reports to Congress on whether there is a need for continuation or amendment of the Act)

On page 13, line 2, insert ''and every 5 years thereafter'' after ''Act''.

The committee amendments were agreed to.

The bill (S. 3879), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3879

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 ''Convention on Supplementary Compensation for Nuclear Damage Contingent Cost Allocation Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the ''Price-Anderson Act'')—

(A) provides a predictable legal framework necessary for nuclear projects; and

(B) ensures prompt and equitable compensation in the event of a nuclear incident in the United States;

(2) section 170 of that Act, in effect, provides operators of nuclear powerplants with insurance for damage arising out of a nuclear incident and funds the insurance primarily through the assessment of a retrospective premium from each operator after the occurrence of a nuclear incident;

(3) the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997, will establish a global system—

(A) to provide a predictable legal framework necessary for nuclear energy projects; and

(B) to ensure prompt and equitable compensation in the event of a nuclear incident;

(4) the Convention benefits United States nuclear suppliers that face potentially unlimited liability for a nuclear incidents outside the coverage of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) by replacing a potentially open-ended liability with a predictable liability regime that, in effect, provides nuclear suppliers with insurance for damage arising out of such an incident;

(5) the Convention also benefits United States nuclear facility operators that may be publicly liable for a Price-Anderson incident by providing an additional early source for a Price-Anderson incident by providing an additional early source of funds to compensate damage arising out of the Price-Anderson incident;

(6) the combined operation of the Convention, section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), and this Act will augment the quantity of assured funds available for victims in a wider variety of nuclear incidents while reducing the potential liability of United States suppliers without increasing potential costs to United States operators;

(7) the cost of those benefits is the obligation of the United States to contribute to the supplementary compensation fund established by the Convention;

(8) any such contribution should be funded in a manner that neither upsets settled expectations based on the liability regime established under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) nor shifts to Federal taxpayers liability risks for nuclear incidents at foreign installations;

(9) with respect to a Price-Anderson incident, funds already available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) should be used; and

(10) with respect to a nuclear incident outside the United States not covered by section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210), a retrospective premium should be prorated among nuclear suppliers relieved from potential liability for which insurance is not available.

(b) PURPOSE.—The purpose of this Act is to allocate the contingent costs associated with participation by the United States in the international nuclear liability compensation system established by the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997—

(1) with respect to a Price-Anderson incident, by using funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) to cover the contingent costs in a manner that neither increases the burdens nor decreases the benefits under section 170 of that Act; and

(2) with respect to a covered incident outside the United States that is not a Price-

Anderson incident, by allocating the contingent costs equitably, on the basis of risk, among the class of nuclear suppliers relieved by the Convention from the risk of potential liability resulting from any covered incident outside the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Nuclear Regulatory Commission.

(2) CONTINGENT COST.—The term ''contingent cost'' means the cost to the United States in the event of a covered incident the amount of which is equal to the amount of funds the United States is obligated to make available under paragraph 1(b) of Article III of the Convention.

(3) CONVENTION.—The term ''Convention'' means the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997.

(4) COVERED INCIDENT.—The term ''covered incident'' means a nuclear incident the occurrence of which results in a request for funds pursuant to Article VII of the Convention.

(5) COVERED INSTALLATION.—The term ''covered installation'' means a nuclear installation at which the occurrence of a nuclear incident could result in a request for funds under Article VII of the Convention.

(6) COVERED PERSON.—

(A) IN GENERAL.—The term ''covered person'' means—

(i) a United States person; and

(ii) an individual or entity (including an agency or instrumentality of a foreign country) that—

(I) is located in the United States; or

(II) carries out an activity in the United States.

(B) EXCLUSIONS.—The term ''covered person'' does not include—

(i) the United States; or

(ii) any agency or instrumentality of the United States.

(7) NUCLEAR SUPPLIER.—The term ''nuclear supplier'' means a covered person (or a successor in interest of a covered person) that—

(A) supplies facilities, equipment, fuel, services, or technology pertaining to the design, construction, operation, or decommissioning of a covered installation; or

(B) transports nuclear materials that could result in a covered incident.

(8) PRICE-ANDERSON INCIDENT.—The term ''Price-Anderson incident'' means a covered incident for which section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) would make funds available to compensate for public liability (as defined in section 11 of that Act (42 U.S.C. 2014)).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(10) UNITED STATES.—

(A) IN GENERAL.—The term ''United States'' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(B) INCLUSIONS.—The term ''United States'' includes—

(i) the Commonwealth of Puerto Rico;

(ii) any other territory or possession of the United States;

(iii) the Canal Zone; and

(iv) the waters of the United States territorial sea under Presidential Proclamation Number 5928, dated December 27, 1988 (43 U.S.C. 1331 note).

(11) UNITED STATES PERSON.—The term ''United States person'' means—

(A) any individual who is a resident, national, or citizen of the United States (other than an individual residing outside of the United States and employed by a person who is not a United States person); and

(B) any corporation, partnership, association, joint stock company, business trust, unincorporated organization, or sole proprietorship that is organized under the laws of the United States.

SEC. 4. USE OF PRICE-ANDERSON FUNDS.

(a) IN GENERAL.—Funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) shall be used to cover the contingent cost resulting from any Price-Anderson incident.

(b) EFFECT.—The use of funds pursuant to subsection (a) shall not reduce the limitation on public liability established under section 170 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)).

SEC. 5. EFFECT ON AMOUNT OF PUBLIC LIABILITY.

(a) IN GENERAL.—Funds made available to the United States under Article VII of the Convention with respect to a Price-Anderson incident shall be used to satisfy public liability resulting from the Price-Anderson incident.

(b) AMOUNT.—The amount of public liability allowable under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) relating to a Price-Anderson incident under subsection (a) shall be increased by an amount equal to the difference between—

(1) the amount of funds made available for the Price-Anderson incident under Article VII of the Convention; and

(2) the amount of funds used under section 4 to cover the contingent cost resulting from the Price-Anderson incident.

SEC. 6. RETROSPECTIVE RISK POOLING PROGRAM.

(a) IN GENERAL.—Except as provided in subsection (b), each nuclear supplier shall participate in a retrospective risk pooling program in accordance with this Act to cover the contingent cost resulting from a covered incident outside the United States that is not a Price-Anderson incident.

(b) DEFERRED PAYMENT.—

(1) IN GENERAL.—The obligation of a nuclear supplier to participate in the retrospective risk pooling program shall be deferred until the United States is called on to provide funds pursuant to Article VII of the Convention with respect to a covered incident that is not a Price-Anderson incident.

(2) AMOUNT OF DEFERRED PAYMENT.—The amount of a deferred payment of a nuclear supplier under paragraph (1) shall be based on the risk-informed assessment formula determined under paragraph (3).

(3) RISK-INFORMED ASSESSMENT FORMULA.—

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall, by regulation, determine the risk-informed assessment formula for the allocation among nuclear suppliers of the contingent cost resulting from a covered incident that is not a Price-Anderson incident, taking into account risk factors such as—

(i) the nature and intended purpose of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(ii) the quantity of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(iii) the hazards associated with the supplied goods and services if the goods and services fail to achieve the intended purposes;

(iv) the hazards associated with the covered installation outside the United States to which the goods and services are supplied;

(v) the legal, regulatory, and financial infrastructure associated with the covered installation outside the United States to which the goods and services are supplied; and

(vi) the hazards associated with particular forms of transportation.

(B) FACTORS FOR CONSIDERATION.—In determining the formula, the Secretary may—

(i) exclude—

(I) goods and services with negligible risk;

(II) classes of goods and services not intended specifically for use in a nuclear installation;

(III) a nuclear supplier with a de minimis share of the contingent cost; and

(IV) a nuclear supplier no longer in existence for which there is no identifiable successor; and

(ii) establish the period on which the risk assessment is based.

(C) APPLICATION.—In applying the formula, the Secretary shall not consider any covered installation or transportation for which funds would be available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210).

(D) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on whether there is a need for continuation or amendment of this Act, taking into account the effects of the implementation of the Convention on the United States nuclear industry and suppliers.

SEC. 7. REPORTING.

(a) COLLECTION OF INFORMATION.—

(1) IN GENERAL.—The Secretary may collect information necessary for developing and implementing the formula for calculating the deferred payment of a nuclear supplier under section 6(b).

(2) PROVISION OF INFORMATION.—Each nuclear supplier and other appropriate persons shall make available to the Secretary such information, reports, records, documents, and other data as the Secretary determines, by regulation, to be necessary or appropriate to develop and implement the formula under section 6(b)(3).

(b) PRIVATE INSURANCE.—The Secretary shall make available to nuclear suppliers, and insurers of nuclear suppliers, information to support the voluntary establishment and maintenance of private insurance against any risk for which nuclear suppliers may be required to pay deferred payments under this Act.

SEC. 8. EFFECT ON LIABILITY.

Nothing in any other law (including regulations) limits liability for a covered incident to an amount equal to less than the amount prescribed in paragraph 1(a) of Article IV of the Convention, unless the law—

(1) specifically refers to this Act; and

(2) explicitly repeals, alters, amends, modifies, impairs, displaces, or supersedes the effect of this section.

SEC. 9. PAYMENTS TO AND BY THE UNITED STATES.

(a) ACTION BY NUCLEAR SUPPLIERS.—

(1) NOTIFICATION.—In the case of a request for funds under Article VII of the Convention resulting from a covered incident that is not a Price-Anderson incident, the Secretary shall notify each nuclear supplier of the amount of the deferred payment required to be made by the nuclear supplier.

(2) PAYMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 60 days after receipt of a notification under paragraph (1), a nuclear supplier shall pay to the general fund of the Treasury the deferred payment of the nuclear supplier required under paragraph (1).

(B) ANNUAL PAYMENTS.—A nuclear supplier may elect to prorate payment of the deferred payment required under paragraph (1) in 5 equal annual payments (including interest on the unpaid balance at the prime rate prevailing at the time the first payment is due).

(3) VOUCHERS.—A nuclear supplier shall submit payment certification vouchers to the Secretary of the Treasury in accordance with section 3325 of title 31, United States Code.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Amounts paid into the Treasury under subsection (a) shall be available to the Secretary of the Treasury, without further appropriation and without fiscal year limitation, for the purpose of making the contributions of public funds required to be made by the United States under the Convention.

(2) ACTION BY SECRETARY OF TREASURY.—The Secretary of the Treasury shall pay the contribution required under the Convention to the court of competent jurisdiction under Article XIII of the Convention with respect to the applicable covered incident.

(c) FAILURE TO PAY.—If a nuclear supplier fails to make a payment required under this section, the Secretary may take appropriate action to recover from the nuclear supplier—

(1) the amount of the payment due from the nuclear supplier;

(2) any applicable interest on the payment; and

(3) a penalty of not more than twice the amount of the deferred payment due from the nuclear supplier.

SEC. 10. LIMITATION ON JUDICIAL REVIEW; CAUSE OF ACTION.

(a) LIMITATION ON JUDICIAL REVIEW.—

(1) IN GENERAL.—In any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, any appeal or review by writ of mandamus or otherwise with respect to a nuclear incident that is not a Price-Anderson incident shall be in accordance with chapter 83 of title 28, United States Code, except that the appeal or review shall occur in the United States Court of Appeals for the District of Columbia Circuit.

(2) SUPREME COURT JURISDICTION.—Nothing in this subsection affects the jurisdiction of the Supreme Court of the United States under chapter 81 of title 28, United States Code.

(b) CAUSE OF ACTION.—

(1) IN GENERAL.—Subject to paragraph (2), in any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, in addition to any other cause of action that may exist, an individual or entity shall have a cause of action against the operator to recover for nuclear damage suffered by the individual or entity.

(2) REQUIREMENT.—Paragraph (1) shall apply only if the individual or entity seeks a remedy for nuclear damage (as defined in Article I of the Convention) that was caused by a nuclear incident (as defined in Article I of the Convention) that is not a Price-Anderson incident.

(3) EFFECT OF SUBSECTION.—Nothing in this subsection limits, modifies, extinguishes, or otherwise affects any cause of action that would have existed in the absence of enactment of this subsection.

SEC. 11. RIGHT OF RECOURSE.

This Act does not provide to an operator of a covered installation any right of recourse under the Convention.

SEC. 12. PROTECTION OF SENSITIVE UNITED STATES INFORMATION.

Nothing in the Convention or this Act requires the disclosure of—

(1) any data that, at any time, was Restricted Data (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014));

(2) information relating to intelligence sources or methods protected by section 102A(i) of the National Security Act of 1947 (50 U.S.C. 403–1(i)); or

(3) national security information classified under Executive Order 12958 (50 U.S.C. 435 note; relating to classified national security information) (or a successor regulation).

SEC. 13. REGULATIONS.

(a) IN GENERAL.—The Secretary or the Commission, as appropriate, may prescribe regulations to carry out section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this Act.

(b) REQUIREMENT.—Rules prescribed under this section shall ensure, to the maximum extent practicable, that—

(1) the implementation of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this Act is consistent and equitable; and

(2) the financial and operational burden on a Commission licensee in complying with section 170 of that Act is not greater as a result of the enactment of this Act.

(c) APPLICABILITY OF PROVISION.—Section 553 of title 5, United States Code, shall apply with respect to the promulgation of regulations under this section.

(d) EFFECT OF SECTION.—The authority provided under this section is in addition to, and does not impair or otherwise affect, any other authority of the Secretary or the Commission to prescribe regulations.

SEC. 14. EFFECTIVE DATE.

This Act takes effect on the date on which the Convention enters into force for the United States under Article XX of the Convention.

JOHN MILTON BRYAN SIMPSON UNITED STATES COURTHOUSE

Mr. FRIST. Mr. President, I ask unanimous consent that the EPW Committee be discharged and the Senate immediately proceed to H.R. 315.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 315) to designate the United States Courthouse at 300 North Hogan Street, Jacksonville, FL as the ''John Milton Bryan Simpson United States Courthouse.''

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

The bill (H.R. 315), was ordered to a third reading, read the third time, and passed.

Mr. FRIST. Mr. President, I further ask unanimous consent that the Senate now proceed to the consideration of the following courthouse-naming bills, all en bloc. Calendar No. 649, H.R. 1463, H.R. 1556, H.R. 2322, H.R. 5026, H.R. 5546, H.R. 5606, H.R. 6051, Calendar No. 626, S. 3867.

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

There being no objection, the Senate proceeded to consider the bills en bloc.

JUSTIN W. WILLIAMS UNITED STATES ATTORNEY'S BUILDING

The bill (H.R. 1463), to designate a portion of the Federal building located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the ''Justin W. Williams United States Attorney's Building'', was considered, ordered to a third reading, read the third time, and passed.

CLYDE S. CAHILL MEMORIAL PARK

A bill (H.R. 1556) to designate a parcel of land located on the site of the Thomas F. Eagleton United States Courthouse in St. Louis, Missouri, as the ''Clyde S. Cahill Memorial Park'' was considered, ordered to a third reading, read the third time, and passed.

KIKA DE LA GARZA FEDERAL BUILDING

A bill (H.R. 2322) to designate the Federal building located at 320 North Main Street in McAllen, Texas, as the ''Kika de la Garza Federal Building'' was considered, ordered to a third reading, read the third time, and passed.

ANDRES TORO BUILDING

A bill (H.R. 5026) to designate the Investigations Building of the Food and Drug Administration located at 466 Fernandez Juncos Avenue in San Juan, Puerto Rico, as the ''Andres Toro Building'' was considered, ordered to a third reading, read the third time, and passed.

CARROLL A. CAMPBELL, JR. UNITED STATES COURTHOUSE

A bill (H.R. 5546) to designate the United States courthouse to be constructed in Greenville, South Carolina, as the ''Carroll A. Campbell, Jr. United States Courthouse'' was considered, ordered to a third reading, read the third time, and passed.

WILLIAM M. STEIGER FEDERAL BUILDING AND UNITED STATES COURTHOUSE

A bill (H.R. 5606) to designate the Federal building and United States courthouse located at 221 and 211 West Ferguson Street in Tyler, Texas, as the ''William M. Steger Federal Building and United States Courthouse'' was considered, ordered to a third reading, read the third time, and passed.

JOHN F. SEIBERLING FEDERAL BUILDING AND UNITED STATES COURTHOUSE

A bill (H.R. 6051) to designate the Federal building and United States courthouse located at 2 South Main Street in Akron, Ohio, as the ''John F. Seiberling Federal Building and United States Courthouse'' was considered, ordered a third reading, read the third time, and passed.

RUSH H. LIMBAUGH, SR., FEDERAL COURTHOUSE

The bill (S. 3867), to designate the Federal courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the ''Rush H. Limbaugh, Sr., Federal Courthouse.''

S. 3867

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

SECTION 1. RUSH H. LIMBAUGH, SR., FEDERAL COURTHOUSE.

(a) DESIGNATION.—The Federal courthouse located at 555 Independence Street, Cape Girardeau, Missouri, shall be known and designated as the ''Rush H. Limbaugh, Sr., Federal Courthouse''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal courthouse referred to in subsection (a) shall be deemed to be a reference to the Rush H. Limbaugh, Sr., Federal Courthouse.

Amend the title so as to read: ''To designate the United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the 'Rush H. Limbaugh, Sr., Federal Courthouse'.''.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill as amended, if amended, be read a third time and passed en bloc, and the committee-reported title amendment be withdrawn and the title amendment at the desk be agreed to, and the motions to reconsider be laid upon the table.

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

The amendment (No. 5120) was agreed to, as follows:

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. RUSH H. LIMBAUGH, SR. UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, shall be known and designated as the ''Rush H. Limbaugh, Sr. United States Courthouse''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the ''Rush H. Limbaugh, Sr. United States Courthouse''.

The amendment (No. 5121) was agreed to, as follows:

Amend the title so as to read: ''To designate the United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the 'Rush H. Limbaugh, Sr. United States Courthouse'.''.

The bill (S. 3867), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

INDIAN LAND CONSOLIDATION ACT AMENDMENTS OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 536, S. 3526.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislation clerk read as follows:

A bill (S. 3526) to amend the Indian Land Consolidation Act to modify certain requirements under that act.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment 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 relating to the bill be printed in the RECORD

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

The amendment (No. 5119), was agreed to as follows:

On page 2, strike lines 18 through 20 and insert the following:

''(B) includes, for purposes of intestate succession only under section 207(a) and only with respect to any decedent who dies after July 20,

Beginning on page 3, strike line 12 and all that follows through page 4, line 9, and insert the following:

''(v) EFFECT OF SUBPARAGRAPH.—Nothing in this subparagraph limits the right of any person to devise any trust or restricted interest pursuant to a valid will in accordance with subsection (b).'';

On page 6, line 21, strike ''that'' and insert ''who''.

The bill (S. 3526), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3526

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 ''Indian Land Consolidation Act Amendments of 2006''.

SEC. 2. DEFINITIONS.

Section 202 of the Indian Land Consolidation Act (25 U.S.C. 2201) is amended—

(1) in paragraph (4)—

(A) by inserting ''(i)'' after ''(4)'';

(B) by striking ''trust or restricted interest in land' or'' and inserting the following:

''(ii) 'trust or restricted interest in land' or''; and

(C) in clause (ii) (as designated by subparagraph (B)), by striking ''an interest in land, title to which'' and inserting ''an interest in land, the title to which interest''; and

(2) by striking paragraph (7) and inserting the following:

''(7) the term 'land'—

''(A) means any real property; and

''(B) for purposes of intestate succession only under section 207(a), includes, with respect to any decedent who dies after July 20, 2007, the interest of the decedent in any improvements permanently affixed to a parcel of trust or restricted lands (subject to any valid mortgage or other interest in such an improvement) that was owned in whole or in part by the decedent immediately prior to the death of the decedent;''.

SEC. 3. DESCENT AND DISTRIBUTION.

Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended—

(1) in subsection (a)(2)(D)—

(A) in clause (i), by striking ''clauses (ii) through (iv)'' and inserting ''clauses (ii) through (v)''; and

(B) by striking clause (v) and inserting the following:

''(v) EFFECT OF PARAGRAPH; NONAPPLICABILITY TO CERTAIN INTERESTS.—Nothing in this paragraph—

''(I) limits the right of any person to devise any trust or restricted interest pursuant to a valid will in accordance with subsection (b); or

''(II) applies to any interest in the estate of a decedent who died during the period beginning on the date of enactment of this subclause and ending on July 20, 2007 (or the last day of any applicable period of extension authorized by the Secretary under clause (vi)).

''(vi) AUTHORITY TO EXTEND PERIOD OF NONAPPLICABILITY.—The Secretary may extend the period of nonapplicability under clause (v)(II) for not longer than 1 year if, by not later than July 2, 2007, the Secretary publishes in the Federal Register a notice of the extension.'';

(2) in subsection (c)(2), by striking ''the date that is'' and all that follows through the period at the end and inserting the following: ''July 21, 2007.''; and

(3) in subsection (o)—

(A) in paragraph (3)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and indenting the clauses appropriately; and

(ii) by striking ''(3)'' and all that follows through ''No sale'' and inserting the following:

''(3) REQUEST TO PURCHASE; CONSENT REQUIREMENTS; MULTIPLE REQUESTS TO PURCHASE.—

''(A) IN GENERAL.—No sale''; and

(iii) by striking the last sentence and inserting the following:

''(B) MULTIPLE REQUESTS TO PURCHASE.—Except for interests purchased pursuant to paragraph (5), if the Secretary receives a request with respect to an interest from more than 1 eligible purchaser under paragraph (2), the Secretary shall sell the interest to the eligible purchaser that is selected by the applicable heir, devisee, or surviving spouse.'';

(B) in paragraph (4)—

(i) in subparagraph (A), by adding ''and'' at the end;

(ii) in subparagraph (B), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (C); and

(C) in paragraph (5)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''auction and'';

(II) in clause (i), by striking ''and'' at the end;

(III) in clause (ii)—

(aa) by striking ''auction'' and inserting ''sale'';

(bb) by striking ''the interest passing to such heir represents'' and inserting '', at the time of death of the applicable decedent, the interest of the decedent in the land represented''; and

(cc) by striking the period at the end and inserting ''; and''; and

(IV) by adding at the end the following:

''(iii)(I) the Secretary is purchasing the interest as part of the program authorized under section 213(a)(1); or

''(II) after receiving a notice under paragraph (4)(B), the Indian tribe with jurisdiction over the interest is proposing to purchase the interest from an heir that is not a member, and is not eligible to become a member, of that Indian tribe.'';

(ii) in subparagraph (B)—

(I) by striking ''(B)'' and all that follows through ''such heir'' and inserting the following:

''(B) EXCEPTION; NONAPPLICABILITY TO CERTAIN INTERESTS.—

''(i) EXCEPTION.—Notwithstanding subparagraph (A), the consent of the heir or surviving spouse'';

(II) in clause (i), by inserting ''or surviving spouse'' before ''was residing''; and

(III) by adding at the end the following:

''(ii) NONAPPLICABILITY TO CERTAIN INTERESTS.—Subparagraph (A) shall not apply to any interest in the estate of a decedent who dies on or before July 20, 2007 (or the last day of any applicable period of extension authorized by the Secretary under subparagraph (C)).''; and

(iii) by adding at the end the following:

''(C) AUTHORITY TO EXTEND PERIOD OF NONAPPLICABILITY.—The Secretary may extend the period of nonapplicability under subparagraph (B)(ii) for not longer than 1 year if, by not later than July 2, 2007, the Secretary publishes in the Federal Register a notice of the extension.''.

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of the following postal-naming bills en bloc: S. 1726, S. 3845, H.R. 4109, H.R. 4805, H.R. 4674, H.R. 4768, H.R. 5428, H.R. 5434, H.R. 5054, H.R. 5664, and H.R. 6033 and the Senate proceed to their immediate consideration.

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

There being no objection, the Senate proceeded to consider the bills en bloc.

COACH EDDIE ROBINS POST OFFICE

The bill (S. 1726), to designate the facility of the United States Postal Service located at 324 Main Street in Grambling, Louisiana, shall be known and designated as the ''Coach Eddie Robinson Post Office Building'' was considered; ordered to a third reading, read the third time, and passed, as follows:

S. 1726

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

SECTION 1. COACH EDDIE ROBINSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 324 Main Street in Grambling, Louisiana, shall be known and designated as the ''Coach Eddie Robinson Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Coach Eddie Robinson Post Office Building''.

MICKEY MANTLE POST OFFICE BUILDING

The bill (S. 3845), to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, as the ''Mickey Mantle Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

UNITED STATES REPRESENTATIVE PARREN J. MITCHELL POST OFFICE

A bill (H.R. 4109) to designate the facility of the United States Postal Service located at 6101 Liberty Road in Baltimore, Maryland, as the ''United States Representative Parren J. Mitchell Post Office'' was considered, ordered to a third reading, read the third time, and passed.

GENE VANCE POST OFFICE BUILDING

A bill (H.R. 4805) to designate the facility of the United States Postal Service located at 105 North Quincy Street in Clinton, Illinois, as the ''Gene Vance Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

GOVERNOR JOHN ANDERSON, JR. POST OFFICE BUILDING

A bill (H.R. 4674) to designate the facility of the United States Postal Service located at 110 North Chestnut Street in Olathe, Kansas, as the ''Governor John Anderson, Jr. Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

ROBERT LINN MEMORIAL POST OFFICE BUILDING

The bill (H.R. 4768) to designate the facility of the United States Postal Service located at 777 Corporation Street in Beaver, Pennsylvania, as the ''Robert Linn Memorial Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

JOSHUA A. TERANDO MORRISON POST OFFICE BUILDING

The bill (H.R. 5428) to designate the facility of the United States Postal Service located at 202 East Washington Street in Morris, Illinois, as the ''Joshua A. Terando Morris Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

LARRY COX POST OFFICE

A bill (H.R. 5434) to designate the facility of the United States Postal Service located at 40 South Walnut Street in Chillicothe, Ohio, as the ''Larry Cox Post Office'' was considered, ordered to a third reading, read the third time, and passed.

LARRY WINN, JR. POST OFFICE BUILDING

The bill (H.R. 5504) to designate the facility of the United States Postal Service located at 6029 Broadmoor Street in Mission, Kansas, as the ''Larry Winn, Jr. Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

JACOB SAMUEL FLETCHER POST OFFICE BUILDING

A bill (H.R. 5564) to designate the facility of the United States Postal Service located at 110 Cooper Street in Babylon, New York, as the ''Jacob Samuel Fletcher Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

THOMAS J. MANTON POST OFFICE BUILDING

A bill (H.R. 6603) to designate the facility of the United States Postal Service located at 39-25 61st Street in Woodside, New York, as the ''Thomas J. Manton Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

THE CALENDAR

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate en bloc consideration of H.R. 6075, H.R. 5224, and H.R. 5929, postal naming bills which were received from the House.

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

Mr. FRIST. I ask unanimous consent the bills be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD en bloc.

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

ROBERT J. THOMPSON POST OFFICE BUILDING

The bill (H.R. 6075) to designate the facility of the United States Postal Service located at 101 East Gay Street in West Chester, Pennsylvania, as the ''Robert J. Thompson Post Office Building'', was considered, ordered to a third reading, read the third time, and passed.

CURT GOWDY POST OFFICE BUILDING

The bill (H.R.5224) to designate the facility of the United States Postal Service located at 350 Uinta Drive in Green River, Wyoming, as the ''Curt Gowdy Post Office Building'', was considered ordered to a third reading, read the third time, and passed.

KATHERINE DUNHAM POST OFFICE BUILDING

A bill (H.R. 5929) to designate the facility of the United States Postal Service located at 950 Missouri Avenue in East St. Louis, Illinois, as the ''Katherine Dunham Post Office Building'', was considered, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

NOMINATION OF ANDREW B. STEINBERG TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION

Mr. FRIST. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nomination on today's Executive Calendar: 769.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the

table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF TRANSPORTATION

Andrew B. Steinberg, of Maryland, to be an Assistant Secretary of Transportation.

LEGISLATIVE SESSION

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

Mr. FRIST. Mr. President, we have completed a lot of business. We may have a little more business in a bit. While we are conducting that business, 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. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER OF BUSINESS

Mr. FRIST. Mr. President, in the early hours of the morning, we are going to be closing down here in a few minutes. We do have some very important business to conduct, first on the Defense authorization conference report, and closing up with a few other matters.

It has been a long day, with a lot of productive work. The Democratic leader and I were just commenting it has been a constructive and productive last 2 or 3 weeks.

Mr. President, before I propound a unanimous consent request on the Defense authorization conference report, I turn to my colleague, the distinguished Senator from Oklahoma, who has been intimately involved in this issue over the last several days and the last several hours.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I thank the leader for working with me on getting the requirements of what we need to do to get control of our spending in this country. I also want to thank the House leadership for their commitment in attempting to do that.

I had threatened to object to the unanimous consent request that we pass this bill. That is not a desire or something I want to do. But what I do want to do is make sure the money we spend actually goes for Defense. And we had, in both the appropriations bill and in the authorization bill, by a vote of 96 to 1 in this body, that even though we do not report earmarks in the Senate, we do not label them, we do not say who put them, we did have an agreement—with amendments in both those bills—that we will allow the Pentagon to report to the American public on the status of those earmarks and back to us as a Congress whether or not they met the mission of the Defense Department because about 40 percent of them do not. It is all about transparency, the American people seeing where we are spending our money.

I appreciate the leaders both here and in the House agreeing to bring this amendment—which was offered and accepted and passed here; and what was thrown out of the conferences—up in the lame-duck session. And given that commitment from both the House leadership and the Senate leadership, I will not object to this bill.

I will tell people, other than the earmarks that are in this bill, this is a needed bill, and a lot of the earmarks are appropriate and needed. But the American people ought to be seeing where we are spending the money, and they cannot. This amendment would have allowed them to see that.

The agreement of, hopefully, bringing this back, so the American people can actually know where money is spent, I appreciate the leader's help in accomplishing that.

I yield the floor.

Mr. FRIST. Mr. President, it looks like we will be able to proceed with our unanimous consent request and pass a very, very important bill to this country. We passed earlier today the appropriations for our Department of Defense. And with this, on the same day, we will be able to pass the authorization bill.

JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007—CONFERENCE REPORT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the conference report to accompany H.R. 5122, the Defense authorization bill, and the conference report be agreed to, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Democratic leader.

Mr. REID. Mr. President, reserving the right to object, I want the RECORD to reflect the hard work that has gone into this bill by the managers of the bill, the chairman, Senator WARNER, and the ranking member, Senator LEVIN. There are no two finer Senators in the Senate. They have worked so diligently and so hard on this legislation for which they deserve so much credit for getting us to where we are. They are both dedicated to the service of their country. They are just two of the best, and if not for them we could not be where we are.

I also express my appreciation to Senator COBURN for allowing us to move forward on this legislation this morning.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No.

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

INSURRECTION ACT

Mr. KENNEDY. Mr. President, I want to applaud the Senator from Virginia for his amendment in the Defense authorization bill. This amendment clarifies the President's authority to employ the Armed Forces inside the United States to restore public order when domestic violence has occurred to such an extent that the State authorities are not able to enforce the laws and protect the legal rights of its people.

Late August last year, New Orleans and gulf coast residents saw the devastation nature can sow. We are now in another hurricane season. Communicable diseases like SARS and avian flu are still real risks. No one needs reminding that bin Laden and al-Qaida are still out there. We need to clarify the applicability of this law to modern problems.

This is a task that uniquely belongs to Congress. It is Congress's responsibility, according to the Constitution, to make rules ''for the government and regulation'' of the Armed Forces. Senator Warner's provision takes a real step in the right direction.

Mr. WARNER. Mr. President, I'm glad Senator KENNEDY drew attention to my amendment to the Militia Acts, sometimes referred to as the ''Insurrection Act.'' These statutes have not been amended for a half century. We urgently need a statute that clarifies when and how the President can use the Armed Forces in the homeland.

This is not a new problem. The Second Congress passed a law in May 1792 giving the President power to call out the Armed Forces inside the United States. Congress carefully defined when the President could act. In certain cases, he had to get a judge's approval before calling forth the troops. When President Washington put down the Whiskey Rebellion, he used this 1792 statute.

Congress made changes to this authorization in 1795, 1807, 1861 and 1871. Clearly, Congress was responding to threats of the day. These included Aaron Burr's conspiracy, the Civil War, and Reconstruction. The end result of all these amendments was a very sweeping statute with open-ended authorization in some situations, but ambiguous authority to use the Armed Forces in others. So we clearly needed to revisit this.

Mr. KENNEDY. As I understand the amendment, it defines when the President can call on the Armed Forces if there is a major public emergency at home. The amended statute now lists specific situations in which the troops can be used to restore public order. This includes natural disasters, epidemics or other serious public health emergencies, and terrorist attacks or incidents that result in domestic violence to such an extent that

State authorities are unable to maintain public order. These were not mentioned specifically before. While the amendment does not grant the President any new powers, it fills an important gap in clarifying the President's authority to respond to these new kinds of emergencies.

The amendment defines the kind of situations in which the President can employ the Armed Forces to restore public order. In our system, responsibility for law enforcement and the maintenance of public order normally lies with the State and local authorities. The Armed Forces can and should enter this arena only in extreme ergencies. The amendment explains that the trigger for the employment of Armed Forces is a condition, which may result from a terrorist attack or a natural disaster, that makes it impossible for regular law enforcement agencies to enforce the laws.

Mr. WARNER. The Senator from Massachusetts is correct about the provision. The Armed Forces have a legitimate role to play in responding to serious emergencies. That role benefits from clear definition. Bringing this statute to date and removing its ambiguities will help the Nation respond better to the next crisis.

Mr. SESSIONS. Mr. President, I rise to compliment the distinguished chairman and ranking member of the Armed Services Committee for their work in bringing forth the National Defense Authorization Act for fiscal year 2007 through conference. This Act supports our Armed Forces during this critical period in our Nation's history.

In particular, I would like to note the House and Senate conferees full support for the administration's missile defense activities. The conference report before us fully funds the President's request for missile defense activities—reflecting strong confidence in and support for the current program.

The recommendations of the conferees with respect to missile defense follow very closely the actions taken in the national Defense authorization bill for fiscal year 2007—as passed by the full Senate earlier this year.

Notably, the conference report reflects the consensus view of the Senate and House that the Department of Defense must accord a priority to those near-term missile defense capabilities that are now beginning to provide a measure of protection for the American people, our deployed forces, and our friends and allies.

The need to emphasize near-term missile defense capabilities was brought home to many of us by the fourth of July ballistic missile launches by North Korea, where six missiles of short-, medium-, and long-range were tested.

Similarly, I just returned from the Ballistic Defense Annual Conference in London where over 900 delegates from over 20 nations discussed near and long term missile requirements in Asia and Europe. Among the key issues was the 3rd site requirement in Europe—a site designed to protect the United States and our NATO allies; a site which will provide an additional mix of options, both military and diplomatic to us and our NATO partners as the specter of missile blackmail increases.

On Independence Day, for the first time ever, Americans witnessed their country activate a missile defense system to protect our homeland against long-range ballistic missiles. This was certainly an epiphany for some and a wake up call for friends and foes alike.

Missile defense has thus become part of the diplomatic and military tool set available to our President and other senior policymakers.

Some critics of missile defense questioned whether the ground-based midcourse defense system would be able to intercept a long-range ballistic missile fired by North Korea.

Lieutenant General Obering, Director of the Missile Defense Agency, expressed confidence that the ground-based midcourse defense, GMD, system would be able to address a limited threat posed by North Korea.

He said that while the entire system had not undergone the full comprehensive testing regime he has planned, General Obering flatly stated he believed the system would, if need be, work to knock down a North Korean missile.

The successful intercept test of a long-range ballistic missile on September 1 confirms General Obering's assessment that the current GMD system has the capability, though not fully developed and tested, to defend America.

Both of these recent tests—the North Korean launches of July and our GMD test earlier this month—confirm, more broadly, the wisdom of the decision by President Bush in 2002 to begin deployment of an initial set of missile defense capabilities.

In less than 2 years, we have laid the infrastructure in Fort Greely, Alaska, and elsewhere so that this country at last is ready to defend itself against long-range ballistic missiles fired against our homeland.

The successful intercept of a long-range ballistic missile target on September 1 was the most operationally realistic test for the ground-based midcourse defense system conducted to date.

It included an operationally configured interceptor, an operational radar, and operational crews.

Critics continue to highlight reports of earlier unsuccessful missile defense testing, but the truth is that since 2001, we have had 23 successful hit-to-kill intercepts against all ranges of ballistic missiles, from the shortrange to the longrange.

In the past 90 days alone, we have conducted four successful engagements of short-, medium-, and long-range ballistic missile targets—using Aegis BMD, THAAD, PAC–3, and GMD. I will submit for the RECORD a letter from the Under Secretary of Defense for Acquisition, Technology and Logistics Kenneth J. Kreig to Congressman IKE SKELTON on September 19, 2006, which discusses ground-based midcourse defense system testing. I think the letter is illustrative of the points I made here regarding our efforts to bring a robust missile defense system on line.

While more testing is necessary and planned to ensure confidence in the effectiveness of the defenses we field, we should take comfort in the knowledge that we have demonstrated fully that we can engage ballistic missile targets of all ranges.

Some editorial writers also like to remind us that the budget request for missile defense is close to $10 billion per year. While this is indeed a significant sum, we should bear in mind that this funding figure reflects research, development and fielding not for a single missile defense system, but for a number of missile defense capabilities based on land, on ships, on aircraft, and in space.

These include Patriot PAC–3, terminal high altitude area defense system, THAAD, ship-based Aegis BMD, the ground-based midcourse defense system, the airborne laser, the kinetic energy interceptor, and a host of sensors and the command and control links necessary to tie all these elements together.

In conclusion, I thank the conferees for fully supporting the administration's missile defense program and note the consensus within Congress to get on with the fielding of missile defense capabilities that are now demonstrating testing success and providing a measure of protection for our homeland and deployed forces.

This is a consensus that stretches back at least as far as the National Missile Defense Act of 1999, when Congress stated that:

> it is the policy of the U.S. to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack. . . .

Those of us who supported this legislation—indeed all of us in Congress—should be gratified to see how far we come in such a short time.

Mr. President, I ask unanimous consent that the letter to which I referred be printed in the RECORD.

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

THE UNDER SECRETARY OF DEFENSE,
Washington, DC, Sept. 19, 2006.

Hon. IKE SKELTON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SKELTON: Thank you for your August 29 letter concerning Ground-based Midcourse Defense System testing. The Secretary of Defense asked that I respond.

Since the Secretary's comments at Fort Greely and your recent letter to him, the Missile Defense Agency completed a successful end-to-end flight test of the long-range missile defense capability on September 1.

This test began with the lanch of a threat representative target on a realistic trajectory across an operational, upgraded, early warning radar manned by warfighters in California. An intercept solution was then generated using the operational command and fire control system, also manned by warfighters, and an operational interceptor was launched from an operational site. Given necessary range and safety limitations, a 5-hour target launch window was defined, but the warfighters operating the system did not receive prior notice of target launch.

The flight test was representative of an attack by a single, relatively unsophisticated, but lethal, hostile missile. While this test was a success, the Ballistic Missile Defense System (BMDS) test program is by no means complete. Later tests will involve different trajectories and engagement geometries, different target characteristics and countermeasures, and different raid patterns and composition. Some will be successful, and some will not, but all will contribute to moving the program forward.

Each of these tests, and those of the other components of the BMDS, builds on the knowledge gained from previous tests and adds new and challenging objectives to demonstrate enhanced capability. The goal is to devise scenarios that test each system to the maximum extent possible to increase knowledge of, and confidence in, system performance, while maintaining safety and keeping pace with the advancing threat.

This last point is important. In July, we saw one manifestation of that threat from North Korea in its effort to test an advanced missile capability that could threaten the United States. Iran's intentions also seem increasingly clear as its missile programs progress. That is why the Secretary of Defense has endorsed a capability-based acquisition approach to developing missile defenses, allowing us to deploy militarily useful capability while we continue to enhance it.

Over the past 2 decades, you noted the United States has devoted some $100 billion to missile defense. This has occurred under several Administrations and with ever-increasing Congressional support. A substantial portion of this funding went to early research and space-based programs that were cancelled in 1993. Approximately $21 billion has been invested in the Ground-based Midcourse Defense program over the last 10 years. '

The remaining funds have permitted the PATRIOT PAC–3 capability to evolve, so that when it was employed in combat during Operation IRAQI FREEDOM, it was a complete success against Iraqi missiles. The funding supported the sea-based Aegis Ballistic Missile Defense program, which has succeeded in 7 of 8 intercept attempts, with its 18 ships programmed for modification. Aegis ballistic missile defense-equipped ships started operational long-range surveillance and tracking patrols in the Sea of Japan almost 2 years ago. The funding supported the restructured Terminal High-Altitude Area Defense system, capable of intercepting threats in the upper atmosphere as well as just outside the atmosphere, which completed a successful intercept test in July. In addition, the funds were used for sensors and C2 systems integrating all of these components into a layered defensive system that is much more capable than any of the individual elements alone. And finally, the funds support the development of future capabilities including the Airborne Laser, more capable interceptors and space-based sensors to enhance discrimination, and lethality across the entire spectrum of missile defense.

This latest test of the long-range interceptor increases our confidence in the approach to enhance the system's performance. We have a limited, but increasing, capability where none existed before. Four years ago, with the Anti-Ballistic Missile Treaty in effect, this could not have been possible. Today, the Department is on a path to provide critically-needed missile defense protection for our citizens, deployed forces, friends, and allies.

Your continued support of our efforts will ensure we can reach this goal.

Sincerely,

KENNETH J. KRIEG.

Mr. McCAIN. Mr. President, I would like to commend the chairman and ranking member for their outstanding leadership in bringing the Defense authorization bill to closure and thank them for their untiring work concerning this most important legislation. By enacting this legislation, Congress will take a major step forward in ensuring that the defense of our Nation remains the number one priority. That is why I will vote for passage of the conference report on H.R. 5122, the John Warner National Defense Authorization Act for fiscal year 2007.

I would like to take a moment to recognize our distinguished chairman, a man I have known for 33 years, my friend and mentor, the senior Senator from Virginia. No Member of this body has done more for our national security than JOHN WARNER. As a sailor, Marine officer, Under Secretary and Secretary of the Navy, and U.S. Senator, he has always answered his country's call. The dignified and even-handed way in which he has presided over the business of the Committee these past 6 years has enabled it to continue its noble tradition of being an island of bipartisanship in an increasingly unpleasant political era. I am proud that we have named this year's defense authorization act, the last which JOHN WARNER will manage as chairman of the Committee on Armed Services, in his honor, and I thank my friend for all he has done for our Nation.

This legislation authorizes the funding of $462.8 billion in budget authority for defense programs in fiscal year 2007, which is a 3.6 percent increase or $21 billion above the amount authorized by Congress last year. I am pleased to see that this measure meets the President's requested funding level and that the conferees focused much of their efforts on addressing requirements for the ongoing war on terror as expressed by the service chiefs in their unfunded priority lists.

While I am pleased we are able to act on this legislation prior to adjourning for the elections, I am compelled to point out that once again, the Defense Appropriations Act has been decided prior to final action on the Defense Authorization Act. The Defense Authorization Act is intended to provide a framework for the policies and funding levels for the Department of Defense and its programs. The role of the Appropriations Committee is to allocate funding based on policies provided by authorization bills. A continuing trend, however, is an expansion of the role of the Appropriations Committee, which now engages in significant policy decision making. It is my hope that next year we will succeed in passing the authorization measure prior to the appropriations measure.

An important legislative provision contained in the conference report is an amendment which I sponsored on the Senate bill that would require the regular budgeting for ongoing military operations in Iraq and Afghanistan. Over the years, the administration and the Congress have become addicted to paying for these operations through ''emergency'' supplemental appropriation bills. In addition, many defense-related activities that should have been financed through the normal appropriations process have been funded through these emergency supplementals. Additionally, non-defense-related spending has also found its way into these bills further undermining the budget process. This method of funding has unfortunately become the rule rather than the exception, but with this provision it will no longer be allowed. The next budget submission will be expected to include funding required to conduct ongoing operations through the following year.

It should now be obvious that the current rate of growth in the cost of defense programs is reaching unsustainable levels. Over the intermediate term, this will pose a threat to not only our economic stability but also our national security. For this reason, next year I will propose an aggressive and comprehensive defense acquisition reform agenda. I have called for, and hope to obtain, the assistance of both the Department of Defense as well as the defense industry in this regard.

The need for such an agenda is clear. Over the last few years, the defense acquisition process has shown itself to be broken. This has been shown not only by the Air Force's proposed lease of Boeing 767 tanker aircraft, but also in the Department's procurement strategies for the C–130J, Future Combat Systems, Joint Primary Aircraft Training System, Joint Cargo Aircraft, Joint Strike Fighter, and F–22A Raptor.

Incidentally, I remain concerned about the approach the Air Force is currently taking to recapitalize its tanker fleet. But I will address this issue at another time.

As with past authorization bills, I have included in this year's bill several acquisition reform-related provisions. These provisions include measures that address abuses in the use of cost-type contract billing, financial conflicts of interest involving lead systems integrators, the improper payments of award and incentive fees, and excessive pass-through charges. These provisions also subject the multi-year purchase of F–22 aircraft to greater congressional oversight. There is every expectation that this legislation will be subject to

further legislative efforts in the future. I am hopeful that these measures will be further supplemented by even more comprehensive reforms next year.

The American taxpayer has a right to expect the government to properly manage the allocation of resources, especially at a time when those resources are so critical. While this legislation addresses a great many of the needs of our military, there is still money that is being diverted to unrequested projects. Unauthorized earmarks drain our precious resources and adversely affect our national security.

One of the more egregious add-ons in the legislation currently on the floor is the addition of over $2 billion for 10 C–17 cargo planes that were not requested by the administration. This contradicts the Quadrennial Defense Review and is not in keeping with the President's request. So why are these additional aircraft now part of a bridge fund designed to provide necessary resources for our conflicts in Iraq and Afghanistan? Another reason I find this add-on particularly objectionable is that, going into conference, the House had approved only three additional C–17s and the Senate had approved only two. What we are presented in this legislation is seven more C–17s added by the conferees. This is completely outside the scope of the matter the conferees were tasked to resolve. The practice of adding unrequested, unauthorized, and unnecessary projects onto wartime spending bills must end.

Each and every day the men and women of our Nation's Armed Forces put their lives on the line to protect the freedoms we cherish and it is imperative we provide them with the proper resources. It is our obligation to provide quality of life benefits for our servicemembers and their families. I am confident that enactment of this legislation will accomplish that goal. For example, this conference report authorizes a 2.2 percent across-the-board pay raise for all military personnel. Also included in the report is a provision that prohibits predatory practices by creditors who loan to military personnel. This legislation is a testament to our commitment to the brave men and women of our military who have answered their Nation's call.

The ongoing war on terror has required us to become increasingly reliant on the men and women of our Reserve forces and National Guard. Approximately 40 percent of the ground troops in Iraq and Afghanistan are National Guard and Reserve forces. These soldiers and sailors leave behind friends, families, and careers to go willingly into harm's way for their Nation's cause. We in the Congress owe it to these patriots to ensure we look after their needs. Included in the conference report is the authorization to expand the eligibility for TRICARE to all members of the Selected Reserve. This provision is critical for providing our Reserve forces with the proper care they have earned.

Upon returning home from tours in Iraq or Afghanistan, soldiers and Marines are experiencing less and less downtime before their next deployment. This is not good for morale nor is it good for retention and eventually it will become a readiness issue as recruiting is affected. Fortunately, this legislation authorizes significant increases in recruiting and retention bonuses, as well as substantial increases in educational funds for recruitment purposes. Also provided is authorization for maintaining the Army active-duty end strength of 512,400, the Army National Guard end strength of 350,000, and an increase in Marine Corps end strength to a total of 180,000. This authorized force structure is critical to ensure proper readiness levels so that our military can meet its operational requirements.

As in years past, I am disappointed that the annual ''Buy America'' battle has once again made its way into this legislation. It seems as if every year we fight the same fight in conference. What it really comes down to is what I have stated countless times before: we need to provide American servicemen and women with the best equipment at the best price to the American taxpayer. By following this simple philosophy, we will protect both the men and women in uniform, as well as our domestic defense industry.

The international considerations of Buy America provisions are immense. Isolationist, go-it-alone approaches have serious consequences on our relationship with our allies. Our country is threatened when we ignore our trade agreements. Currently, the U.S. enjoys a trade surplus of $31 billion in defense and aerospace equipment. We don't need protectionist measures that detract from international cooperation in order to insulate our defense or aerospace industries. Critical international programs, such as the joint strike fighter and missile defense, could be placed in jeopardy when our allies reassess our defense cooperative trading relationship. If we enact laws that isolate our domestic defense industry, allies could potentially retaliate and hinder our ability to sell U.S. equipment which would in turn adversely affect our interoperability with NATO and other allies.

Although there are examples of why this bill is far from perfect, I am putting my reservations aside to support the final passage of this conference report. The John Warner National Defense Authorization Act for fiscal year 2007 is legislation that further strengthens our Nation's military and gives the Department of Defense the tools it needs to defend our Nation's interests both at home and abroad.

I urge my colleagues to support this important legislation.

Mr. LEAHY. Mr. President, I would like to express my gravy reservations about certain provisions of the fiscal year 2007 Defense authorization bill conference report. This legislation poorly handles key provisions related to the National Guard, which—as the events since September 11th have highlighted—is critical to our Nation's defense. The final conference report drops the reforms known as the National Guard Empowerment Act, a bill that would have given the National Guard more bureaucratic muscle inside the Pentagon. It would have cleared away some of these administrative cobwebs and given the Guard the seat at the decision-making table that it needs and deserves. It also should concern us all that the conference agreement includes language that subvert solid, long-standing posse comitatus statutes that limit the military's involvement in law enforcement, thereby making it easier for the President to declare martial law. There is good reason for the constructive friction in existing law when it comes to martial law declarations.

Combined, these moves amount to a double punch against the National Guard. The National Guard has done so much to protect the security and safety of our country. Yet the authorization bill sends the signal that we are not interested in truly supporting them. This conference report says we do not want to address glaring problems that have surfaced during their increasingly frequent deployments. And, incredibly enough, it says to the Guard that other military forces are better to carry out tasks here at home. In short, this bill goes in the wrong direction.

Let's review what the 500,000 men and women of the National Guard do for the country. The National Guard is essential to the military's missions at home and abroad. More than 10,000 members of the National Guard are currently called up for domestic options, most along the border and involved in counter-drug operations.

Almost 60,000 citizen-soldiers are deployed overseas, almost 40,000 involved in Iraq deployments. Over 6,000 members of the Air Guard are deployed. And let's remember, that at the high-water mark, the Guard made up almost 40 percent of the troops on the ground in Iraq.

It is also clear that we are going to need the Guard even more in the future. Consider the information reported in a New York Times article from last Friday. The active U.S. Army is being deployed at such a high rate that it appears increasingly likely that the National Guard is going to need to be tapped once again to make the troop levels.

Any way you cut it, the National Guard is absolutely essential to our Nation's defense. We cannot fight our wars abroad, we cannot secure the country at home, and we cannot response to large-scale emergencies without the Guard.

Given the fact that the National Guard is one of the country's most valuable and needed forces, one would think that our leaders in the Department of Defense would be spending significant time developing policies and

budgets plans that truly support the Guard. For example, I would think it logical to make the replacement of the Guard's aging and worn equipment a priority. I would think it logical to give the National Guard a stronger voice in policymaking decisions and in setting budgetary priorities that affect the National Guard. I clearly see the benefits of deferring to the Adjutants General and the Nation's governors, those who control and oversee the Guard, when determining how best to utilize Guard at home during domestic emergencies.

Instead of these good policy goals and practices, we have only a long list of unfair and ill-conceived decisions from the Pentagon that do very little to support the Guard in reality. And these examples are only the tip of the iceberg.

Last December, the Army and the Air Force decided to try to make precipitous cuts to the National Guard. The Army sought to cut the Army Guard by almost 17,000 soldiers, while the Air Force drove for reductions of almost 14,000 airmen. These personnel cuts were made without consultation with the National Guard Bureau, the States Adjutants General, and the Nation's Governors. While Congress was successful in turning those recommendations back, the fact remains that the active force still desired to balance its budgets at the expense of the Guard.

In late Spring of last year, the Air Force forwarded a list of base closure recommendations the cut deeply into the Air National Guard. The closure list took away flying missions in States in which the Air National Guard is the only Air Force presence in the State. No consideration was made of this crucial link between local communities and the armed forces. Nor did the Air Force consider the Air National Guard's homeland security capabilities. Why were such ill-advised recommendations made? The reason is that the Air National Guard was not involved in the force structure review process.

Similarly, in 2002, there was no consultation with the Air National Guard when the Air Force decided to take away the Air National Guard's B–1 bomber units, which, as a GAO study underscored, were cheaper to operate, more efficient, and more effective than their active duty counterparts.

Further, since September 11, torturous debate has developed in the Pentagon whenever the National Guard is needed for a large-scale operation at home, such as during Hurricane Katrina. We have learned that the Guard works optimally at home when it serves under the command-and-control of the Nation's Governors, with Federal reimbursement, under title 21 of the Federal Code.

This title 32 status ensures that locally elected officials remain in control of military forces operating at home. Because the National Guard comes directly out of these local communities, posse comitatus statutes do not apply. This title 32 arrangement has been used most recently to increase security at the border, but it has previously been used effectively to have the Guard provide added security at the Republican and Democratic National Conventions, the G8 Summit, the Nation's airports, and around the Capitol Building in Washington.

There seems to be some kind of reflexive reaction within the Department of Defense against having the Guard and the Governors remain in control of operations at home. In fact, a sizeable contingent exists within the Pentagon to have the active duty military control the National Guard and other military personnel and assets. So every time there is a natural disaster or other emergency, the Pentagon engages in a lengthy debate back-and-forth about control of the Guard. To date, these debates have led to sensible outcomes. But it should not be so difficult and uncertain.

Finally, the National Guard has little influence at the senior ranks within the Army and the Air Force. The number of high-ranking officers is completely imbalanced between the Guard and the active forces. While the National Guard constitutes a high percentage of our total number of ground troops, it has just a sliver of the overall percentage of three- and four-star general officers. And, while the Air National Guard constitutes a high percentage of the Air Force's mobility assets and a similarly high percent of its strike assets, the Air Guard has a negligible share of the high-ranking positions, where important decisions are made.

The National Guard Empowerment Act seemed to be a logical response to these ill-advised policy positions and imbalanced bureaucratic structure. The entire thrust of the legislation rests in increasing the bureaucratic muscle of the National Guard. The idea behind it is to prevent some of these ill-advised policies from moving forward. More importantly, the legislation is designed to firmly identify the uses of the National Guard, ensure the force is ready and equipped for its critical homeland security missions by bringing its organizational ties in line with its real responsibilities and accomplishments.

Specifically; the legislation, as included in the Senate's version of the Defense authorization bill contained four major provisions. First, it would elevate the Chief of the National Guard Bureau from the rank of lieutenant general to full general.

Second, the Deputy Commander of United States Northern Command, the military headquarters designed to oversee military forces used in the United States operationally would be mandated to come out of the ranks of the National Guard. Third, the National Guard would be redefined as a joint bureau of the Department Defense, rather than a branch of Army and the Air Force, enabling the Guard to maintain its role as the primary military reserve, while allowing the National Guard to avoid bureaucracy within the Defense Department. Finally, the National Guard would have formally be tasked with working with the States to identify gaps in their resources to respond to emergencies at home.

This proposal is not only targeted, but also modest. Our original legislation, S. 2658, the National Defense Enhancement and National Guard Empowerment Act of 2006, would have additionally placed the Guard Bureau chief on the Joint Chiefs of Staff and given the National Guard separate budget authority. Though we still believe these provisions are important to empowering the National Guard fully, we listened and understood the objections of other senators. We dropped those provisions in the amendment to the Defense Authorization bill to reach a consensus where even more members would agree to the amendment, beyond the already 40 senators who are cosponsoring the baseline legislation.

We can all acknowledge that the National Guard is essential to our Nation's defense, that there has been some questionable policymaking affecting the Guard in recent years, and that the empowerment bill represents a positive step towards strengthening the Guard. Yet where does the final conference report on the defense authorization bill end up on Guard empowerment?

Not only does this conference report unfortunately drop the Empowerment amendment entirely, it adopts some incredible changes to the Insurrection Act, which would give the President more authority to declare martial law.

Let me repeat: The National Guard Empowerment Act, which is designed to make it more likely for the National Guard to remain in State control, is dropped from this conference report in favor of provisions making it easier to usurp the Governors control and making it more likely that the President will take control of the Guard and the active military operating in the States.

The changes to the Insurrection Act will allow the President to use the military, including the National Guard, to carry out law enforcement activities without the consent of a governor. When the Insurrection Act is invoked posse comitatus does not apply. Using the military for law enforcement goes against one of the founding tenets of our democracy, and it is for that reason that the Insurrection Act has only been invoked on three—three—in recent history.

The implications of changing the act are enormous, but this change was just slipped in the defense bill as a rider with little study. Other congressional committees with jurisdiction over these matters had no chance to comment, let alone hold hearings on, these proposals.

While the Conference made hasty changes to the Insurrection Act, the Guard empowerment bill was kicked over for study to the Commission on the National Guard and Reserve, which was established only a year ago and whose recommendations have no real force of law. I would have never supported the creation of this panel—and I suspect my colleagues would agree with me—if I thought we would have to wait for the panel to finish its work before we passed new laws on the Guard and Reserve.

In fact, we would get nothing done in Congress if we were to wait for every commission, study group, and research panel to finish its work. I have been around here over 30 years, and almost every Senator here knows the National Guard as well as any commission member. We don't need to wait, and we don't need to study the question of enhancing the Guard further. This is a terrible blow against rational defense policy-making and against the fabric of our democracy.

Since hearing word a couple of weeks ago that this outcome was likely, I have wondered how Congress could have gotten to this point. I can only surmise that we arrived at this outcome because we are too unwilling to carry out our article I, section 8 responsibilities to raise and support an Army. We have it in our constitutional power to organize the Department of Defense. The Goldwater-Nicholas Act that established a highly effective wartime command structure and the Nunn-Cohen legislation that established the now-critical Special Operations Command came out of Congress.

If the then-stale leadership of the Pentagon had its way, these two critical bills would never have seen the light of day. Today, however, the Pentagon is just as opposed to the Empowerment legislation, and instead of asserting its power, the Congress is punting—just kicking it down the field and out of play.

Also, it seems the changes to the Insurrection Act have survived the conference because the Pentagon and the White House want it. It is easy to see the attempts of the President and his advisors to avoid the debacle involving the National Guard after Hurricane Katrina, when Governor Blanco of Louisiana would not give control of the National Guard over to President and the Federal chain of command. Governor Blanco rightfully insisted that she be closely consulted and remain largely in control of the military forces operating in the State during that emergency. This infuriated the White House, and now they are looking for some automatic triggers—natural disasters, terrorist attacks, or a disease epidemic—to avoid having to consult with the Governors.

And there you have it—we are getting two horrible policy decisions out of this conference because we are not willing to use our constitutional powers to overcome leadership that ranges from the poor to the intemperate in the Pentagon and the White House. We cannot recognize the diverse ways that the Guard supports the Country, because the Department of Defense does not like it—simply does not like it.

Because of this rubberstamp Congress, these provisions of this conference report add up to the worst of all worlds. We fail the National Guard, which expects great things from us as much as we expect great things from them. And we fail our Constitution, neglecting the rights of the States, when we make it easier for the President to declare martial law and trample on local and state sovereignty.

The conference report was agreed to.

(The conference report is printed in the proceedings of the House in the RECORD of September 29, 2006.)

SECURITY AND ACCOUNTABILITY FOR EVERY PORT ACT—CONFERENCE REPORT

The PRESIDING OFFICER. If the majority leader will suspend, under the previous order, the Senate adopts the conference report to accompany H.R. 4954, the port security bill.

Mr. STEVENS. Mr. President, the passage of this port security legislation marks the first time three Senate committees and their House counterparts have merged their collective expertise and crafted a truly comprehensive approach to port security. A bipartisan group of Members from both Chambers of Congress dedicated several months to developing this bill to better secure America. It is a credit to the Senate and the House that each committee involved agreed to pool their resources, put aside jurisdictional issues, and reach consensus on this bill.

This act strengthens security at our land and sea ports, improves our maritime transportation security strategy, and enhances communication between the Department of Homeland Security and transportation security stakeholders. It includes a plan to get our trade activities up and running again in the event of a transportation security incident. And it creates a pilot program which will study the feasibility of scanning each of the containers—100 percent of the containers—entering our ports.

This legislation will enhance the collection and analysis of information about cargo destined for our ports, and this bill aims to increase awareness of the operations at domestic and foreign ports. Once those in industry share important information about cargo in the international supply chain, we must analyze it quickly. This legislation expedites that process and ensures it begins earlier in the supply chain—before containers even reach our shores. This act requires information about cargo be provided and analyzed before the cargo is loaded on a vessel in a foreign port and shipped here.

This bill also expands several initiatives with a proven track record of success. There are currently five interagency operations centers up and running throughout our country. These centers bring together Federal, State, and local security enforcement officials to ensure communication among them. This act expands this effort to each of the major seaports, and places the Coast Guard in charge of these centers.

This act also builds upon the Department of Homeland Security's, DHS, past cooperation with foreign governments. The container security initiative, CSI, contained within this bill enables the Department, working in partnership with host government customs services, to examine high-risk containerized cargo at foreign seaports before it is loaded on vessels destined for the United States.

The Customs-Trade Partnership Against Terrorism (C–T PAT), a voluntary public-private partnership, is also strengthened in this bill. The Commissioner of Customs and border protection will now be able to certify that a business's supply chain is secure from the point of manufacture to the product's final U.S. destination. Under this legislation, whether cargo crosses our border at Laredo or arrives on a ship from Hong Kong, participating companies' supply chains will undergo a thorough security check. This will add another layer of security to the C–T PAT initiative. Since this is a voluntary system, we have also included provisions which encourage those in industry to go above and beyond the security requirements already in place. These new incentives include expedited clearance of cargo.

Mr. President, while I was disappointed earlier this year by the negative public reaction to foreign investment in our Nation's port terminals, we learned a great deal from hearings held by the Commerce Committee on this matter. As a result of those hearings, this bill requires DHS to conduct background checks on all port personnel. Current law only requires the Transportation Security Administration to perform checks on those workers directly tied to transportation at the port, or involved in its security. From the Commerce Committee hearings, it was evident that a more stringent requirement was needed.

To prevent future attacks, we must secure our ports. This bill is a major step forward in this effort. Senator INOUYE is my co-chairman on the Commerce Committee, and I thank him and Senators GRASSLEY, BAUCUS, COLEMAN, COLLINS and LIEBERMAN for their leadership in drafting this bill, as well as the House committee leaders who were involved. I would also like to thank the staff members on each of the committees—they have worked tirelessly on this bill.

Our country's ports have become enormous operations. To fully address security of our ports, it is important that we appreciate the impacts security requirements might have on economic efficiencies in transportation

and trade. We must strive to be a secure state without becoming a security state.

Each of the Senate and House committees involved in this bill has jurisdiction over an area vital to the safety of our ports. Working together, our committees have developed a comprehensive bill which will help shield our Nation from future terrorist attacks. It is my hope our colleagues will support this act and move quickly to pass this bill.

Mr. REID. Mr. President, the days before a long recess are always a hectic time as we scramble to complete our work. This conference took a lot longer then it needed to take, and the events leading up to the filing of this report represented an abuse of the process. The Senate passed this bill 3 weeks ago, but the House waited until yesterday to appoint conferees. The conferees conducted one perfunctory public meeting last night where no bill language was provided, no amendments allowed; and no votes taken in public. In fact, there seemed to be more interest by the majority conferees in determining what additional unrelated bills could be jammed into this conference overnight and not on improving our homeland security.

These types of shenanigans really show a lack of respect for the members of this institution and a disregard for the serious task at hand.

I was encouraged when this bill passed the Senate 3 weeks ago. Senators from both sides of the aisle worked together to pass a transportation security bill for seaports, mass transit, freight rail, and commercial aviation systems and actually extended expiring Customs fees in an attempt to pay for some of the new port security initiatives.

Three weeks later after negotiations with the House, all but the port security initiatives were dropped at the insistence of the House Republicans, despite overwhelming support in the Senate. The new initiatives for the mass transit and freight rail system would have fulfilled an important recommendation of the 9/11 Commission Report, which recommended that the Federal Government address a much broader range of transportation security issues in addition to those undertaken in commercial aviation.

A Democratic amendment adopted in the Senate also would have provided a source of funding to fund some of the new port initiatives in the bill, given the fact that we are not adequately funding current port security programs. This meager attempt to begin to fund these programs was also dropped at the insistence of the House Republicans.

It has now been 5 years since the attack on the World Trade Center and little has been done to make our transportation systems more secure other then the obvious improvements in commercial aviation. There is no urgency by this administration. One gets the feeling that they believe these transportation security issues are really not a Federal responsibility and instead should be funded by State and local governments or the private sector. Homeland Security Secretary Chertoff scoffed at the idea of spending money to protect Americans who use mass transit, noting that a bomb in a subway car would kill only 30 people. Other Republicans, including Assistant Secretary of Homeland Security Henkey, have said that they think rail and transit security should be a State and local or private responsibility.

Democrats believe Government cannot 'pass the buck' on protecting Americans from the threat of a deadly terrorist attack to the private sector or to our already-squeezed State and local governments.

The U.S. mass transit industry has said it needs $5.2 billion in capital expenditures from the Federal Government to protect American citizens from deadly terrorist attacks. But, since 2003, the Federal Government has only invested a total of roughly $400 million in transit and rail security for the entire country, compared to $20 billion on aviation security during that same period. President Bush's Fiscal Year 2007 budget completely eliminated rail and transit security grants and intercity bus grants, which were funded at paltry amounts in 2006.

This is just another example of misplaced priorities. According to the RAND Corporation, there are about 30 terrorist attacks on trains and rail-related targets per year. Our close allies in Britian, Spain, and India have been the victims of deadly terrorist attacks on rail and transit targets in recent years. Yet Republicans stripped rail security out of this bill so they could add unrelated provisions.

I am proud of the work of the Democratic caucus on this bill and on earlier homeland security measures. It was a Democratically controlled Senate that passed a landmark aviation security bill and a comprehensive port security bill immediately after 9/11—over the objections of the Republican-controlled House and the White House. These bills acknowledged for the first time that securing our maritime trade and our commercial air passenger system were national security responsibilities of the Federal Government and should not be relegated to contractors or the private sector. Similarly, Democrats have led the way in developing and pushing security measures during this Congress related to ports, freight rail, aviation and mass transit, and I am proud of the work the caucus has done on this bill.

The port security provisions in here reflect a lot of hard work and bipartisan effort, so are worthy of our support. But, I don't take a lot of pride in giving the American people half a loaf when it comes to security. I think all in all, this is another time that the Republican majority has let the American people down. And I hope that the American people are sick of half a loaf and will agree with me on the need for a new direction.

Mr. INOUYE. Mr. President, just 2 weeks ago, the Senate considered comprehensive legislation to address the transportation security needs of this country. That bill was not written overnight. It was the culmination of 2 years of bipartisan work within the Commerce Committee, the Banking Committee, the Finance Committee, and the Homeland Security Committee.

While we have had our jurisdictional debates during the past 2 years, this week we somberly observed the fifth anniversary of the attacks of September 11, 2001. We set aside those debates, and as a body, came together and passed a comprehensive bill improving security for all modes of transportation. The Senate passed that bill by a vote of 98 to 0, and we took a huge step toward making our Nation a safer place to live, work, and travel.

I had hoped that today I would be telling my colleagues that the House and Senate conferees had recognized they had the rare opportunity, for the first time in 5 years, to address transportation security in a comprehensive manner. I believed they would act in the same manner as we had here in the Senate just 2 weeks ago and would reach an agreement on the port security bill that truly reflects the best of our institution.

Regrettably, that is not the case. Staff from the Senate and several House Committees sat down the past 2 weeks and went through hundreds of pages of text in what was suppose to be, and in fact, appeared to be a bipartisan, bicameral process. They did a good job, and the port security title reflects their hard work. However, several days ago, House leadership stymied our efforts to provide a real transportation security bill for America.

The House leadership effectively hijacked the work of the Senate and refused to include or even discuss anything but the port security provisions of the Senate's bill.

Despite this refusal, several of my colleagues came to last night's meeting of the conferees prepared to offer and debate amendments to restore the nonport related security provisions that had been included in the Senate-passed bill. As I stated then, while the port security provisions are sound and a big step in the right direction, we must take a comprehensive approach to securing our transportation infrastructure.

I was prepared to work into the evening on efforts to restore the other provisions. My colleagues should be aware that we did not have the text of the conference report when we met for the first, and what has now become apparent, the only meeting. During the round of opening statements on the conference report, the Chairman of the conference was repeatedly asked when we would be able to offer amendments.

In the end, the chairman indicated that we would reconvene in the morning when we had the text of the bill. Because of the chairman's assurances that we would meet again, and out of deference to the chairman's wishes, several of my colleagues agreed to not offer their amendments to restore the Senate provisions on rail and truck security.

Late last night, we were told there would be no more meetings of the conferees, denying my colleagues the ability to have their amendments debated and voted upon.

Last night's theater has ramifications for all of us today for three reasons. First, we have allowed a rare opportunity to enact comprehensive legislation that would improve the security of our transportation infrastructure to pass us by.

Our colleagues who opposed the inclusion of the other transportation modes claim that this is a port security bill only. The fact is, other modes of transportation are just as important and worthy of protection. Like the port security provisions, the rail, truck, and transit provisions reflect several years of committee hearings and full Senate action.

To pretend these provisions were written overnight is a disservice to the expert staff that have worked on these issues for years. It is also a disservice to our constituents who depend upon these modes of transportation for their livelihoods.

The American public deserves better from us. We have waited 5 years for this opportunity and have been fortunate that attacks like those in London and Madrid have not occurred here in the United States. We should act now to prevent an attack rather than waiting until a tragedy occurs.

Second, if we are to succeed as a democratic and open institution, our ability to work together and rely on the assurances of our colleagues is critical. My colleagues, particularly Senator LAUTENBERG, who has worked diligently on behalf of his constituents who rely on rail and transit and is an expert in the area of rail safety, deserve to be heard and be able to offer amendments.

To assure him the opportunity but deny him the reality is a disservice to the institution and to the millions of people who rely upon the rail and transit systems each day.

Third, it has come to my attention that the leadership has decided to include in the conference report provisions that are outside the scope of transportation security issues. These are provisions that our friends on the Armed Services conference refused to allow on their bill, and our friends on the Department of Homeland Security appropriations conference refused to allow on their bill.

It does not bode well for the American public that with the stroke of one pen we jettison fully vetted rail, truck, and transit security provisions that would have provided enhanced security for the American public. Yet with the stroke of another pen, we add provisions that are not related to security nor fully debated by the Senate and House as a whole.

Ultimately, the action of the last few days reflects a lack of leadership and a lack of vision about our responsibilities to the American people. As a result, what we have before this body today does so much less than what is possible and prudent to secure the Nation, as well as ignoring the will of both bodies. More importantly, it neglects the real needs of our transportation security.

We have missed a rare opportunity to make our transportation infrastructure more secure. We have missed a rare opportunity to follow through with the promises we made on the Senate floor just 14 days ago.

Mr. GRASSLEY. Mr. President, I rise in support of the conference report to accompany H.R. 4954, the SAFE Port Act. This legislation achieves some important objectives that I have been working on for some time.

It will strengthen our port security operations and resources within the United States Customs and Border Protection.

It authorizes and approves current programs for securing our Nation's trade, and it provides direction for further strengthening of these programs as technological advances permit.

It requires our Federal agencies to cooperate and better coordinate their contingency planning in the event there is a security breach. In sum, this critical legislation will empower personnel in the Department of Homeland Security to stay one step ahead of the terrorists who seek to wreak economic havoc and physical destruction on our Nation.

At the same time, this legislation strengthens our Nation's economic security by realigning resources to ensure better efficiency in the administration of customs laws within the United States Customs and Border Protection, as well as trade facilitation functions within the agency and elsewhere in the Department of Homeland Security. Unfortunately, this legislation falls short in one critical area. The Senate-passed bill included robust sections on rail and mass transit security. But objections from the House have prevented us from including those provisions in the conference report.

I find this extremely shortsighted. It demonstrates a troubling lack of leadership. I want to make clear that I strongly supported the Senate-passed provisions on rail and mass transit security, and I strongly oppose their omission from this conference report.

But because this legislation contains so many provisions critical to the security of our Nation, I will support the conference report. It is certainly better than the alternative. I hope my colleagues on the House side realize that we have lost an opportunity here. At a minimum, it would take another several months for us to be in a position to enact rail and mass transit security legislation into law. In the meantime, this important aspect of our Nation's security will not get the rightful attention that it needs.

That being said, this legislation does significantly strengthen our Nation's security. I want to thank my colleagues, particularly the chairmen and ranking members of the Commerce and Homeland Security Committees in the Senate, as well as the chairman of the Permanent Subcommittee on Investigations of the Homeland Security Committee, Senator COLEMAN, for their constructive engagement with me and Senator BAUCUS these past few months. Together we produced a very good bill, much of which is retained in this conference report. I urge its support so that we can get this critical legislation to the President's desk as soon as possible.

Mr. BAUCUS. Mr. President, I have mixed emotions about the SAFE Ports Act we pass today.

On the one hand, I am deeply disappointed that the bill that does not include the essential rail and transit security measures passed by the Senate last month. I strongly disagree with the decision to drop these provisions from the conference report. The rail and transit tragedies we have witnessed in London, Madrid, and Mumbai should be evidence enough that we should not have passed up this chance to shore up our defenses.

On the other hand, I am pleased that our hard work on land and seaport security has come to fruition. Working together, we have produced a bill that strengthens the security of our ports while ensuring the proper flow of trade on which all of our Nation's ports and our Nation's economy depends.

The easiest way to secure our ports would have been to simply pass a bill that mandated fences around our ports and required opening every container coming across our borders. But these measures would bring the flow of port traffic to a grinding halt and cripple our Nation's economy. It is essential that we strike the right balance on port security. I am pleased that this legislation does so.

This bill contains important provisions to screen workers coming through or working at the ports, establishes standards for container security devices, authorizes $400 million in port security grants annually, and requires a pilot program at three foreign ports to employ integrated container scanning technology on 100 percent of containers bound for the United States.

The bill also directs the Commissioner of Customs to hire 1,000 more armed Customs and Border Protection officers for land and sea ports around the country. I have heard from ports big and small that they are woefully undermanned. In fact, in Montana, the port of Roosville finally received state-of-the-art container scanning equipment, but we didn't get the personnel

to run it, so it sits unused. This bill would ensure that every service port in the country, and the smaller ports in their area, won't be overlooked by Customs and Border Protection headquarters in Washington.

The SAFE Ports Act also authorizes the Commissioner of Customs to nearly double the number of Customs and Border Protection specialists dedicated to validating the supply chains of participants in the Customs-Trade Partnership Against Terrorism program. The quicker this program can process participants, the safer, and more prosperous, our Nation will be.

This bill also contains a provision I wrote to direct U.S. Customs and Border to begin targeting methamphetamine and its associated precursor chemicals crossing our borders at ports or through the international mail, and share its findings with various border and drug enforcement agencies.

I also saw a need to ensure the Customs and Border Protection Northern Border Airwing Branch based in Great Falls, Montana, will have support facilities needed to cover the 500-mile long border with Canada. Customs and Border Protection officials have proposed to expand the branch by adding facilities in Kalispell, Havre and Glasgow. A provision I authored in this bill gives them the ability to move forward with that plan. Including this provision was important to me, to ensure that Montana's border enforcement personnel have the backup they need to get the job done.

All of these provisions I have mentioned are key to enhancing physical security at our ports and along our borders. But it was important that we do more than that.

When Congress passed the Homeland Security Act of 2002, we strictly prohibited any diminution in the trade functions or personnel committed to trade functions at the Department of Homeland Security. Yet for 3 years, the Department has not complied with the law. Trade resources have decreased by as much as 15 percent within both Customs and Border Protection and Immigration and Customs Enforcement. I fought hard to ensure that this bill requires the Commissioner of Customs to restore a proper focus on the traditional trade mission of his agency.

So this act further ensures the Commissioner's commitment to Customs' trade mission by creating an Office of International Trade, headed by an Assistant Commissioner, who will be responsible for coordinating policy for all personnel dedicated to the agency's trade functions. The Commissioner will also now be assisted in trade policy oversight and operations by an International Trade Committee, comprised of the Assistant Commissioners of International Trade, Finance, Field Operations, International Affairs, and the Director of Trade Relations. Finally, we have also included a mandate for all U.S. agencies involved in the clearance of imports or exports to use a single-portal data collection system to streamline the clearance process. I look forward to seeing how all of these measures will improve the overall trade mission of U.S. Customs and Border Protection.

While far from being the comprehensive transportation security legislation I had hoped the House would support, the bill before us is a positive step forward. I believe we have struck a good balance between security and trade. I thank my friend Senator GRASSLEY, the Chairman of the Senate Finance Committee, for working with me so closely on this, as in so many things. And I want to thank my colleagues for working so hard with Senator GRASSLEY and I to find the appropriate balance in this bill. It was a long, difficult journey, but we arrived there together in the end.

Thanks and congratulations to Chairman STEVENS and Ranking Member INOUYE of the Commerce Committee, Chairman COLLINS and Ranking Member LIEBERMAN of the Homeland Security and Government Affairs Committee, Chairman SHELBY and Ranking Member SARBANES of the Banking Committee, and of course, my good friends, Senator MURRAY and Senator COLEMAN.

I also would like to recognize all of the hard-working staff who made the port security legislation before us today possible.

On my Finance Committee staff, I credit the tenacity and hard work of Anya Landau French, International Trade Adviser. Anya dedicated long hours to the Customs Reauthorization and Trade Facilitation Act of 2006, which served as the basis for many of the provisions in this Act. Brian Pomper, Chief International Trade Counsel; Bill Dauster, Chief Counsel and Deputy Democratic Staff Director; and Russ Sullivan, Staff Director, were all indispensable to this effort.

I would be remiss if I did not also recognize the tireless efforts of Senator GRASSLEY's talented, hardworking Finance Committee staff, who worked so closely and so well with my own staff. Tiffany McCullen Atwell and Stephen Schaefer put in long hours, and Kolan Davis, Staff Director, provided excellent guidance.

I also want to thank the many other dedicated staff of the Commerce Committee and the Homeland Security and Government Affairs Committee, in particular, Dabney Hegg, Sam Whitehorn, Stephen Gardner, Gael Sullivan, Channon Hanna, Lisa Sutherland, Ken Nahigian, David Wonnenberg, Mark Delich, Jason Yanussi, Michael Alexander, Rob Strayer, Mark Winter, and Ray Shepard. This bill is a result of teamwork and commitment at its best.

May the work we have all done keep us safe and strong.

Mr. SARBANES. Mr. President, the conference report on H.R. 4954 takes important steps toward improving security at our Nation's seaports. It provides much needed funding to upgrade security at our ports, which are considered to be among our most vulnerable assets. Today, less than 6 percent of the 11 million containers that come through our seaports are inspected. While we have made significant investments in upgrading airport security, the administration's budgets continue to shortchange the funding necessary to ensure that the containerized cargo that comes into our country is safe. This legislation takes an important step toward addressing that shortfall.

While the need for action in the area of port security is clearly evident, we must not forget the other parts of our Nation's multimodal transportation network, at which the need is equally great. The legislation passed by the Senate included provisions aimed at addressing threats to public transit, rail, and intercity buses, among others. The Senate took a responsible, comprehensive approach toward securing our Nation's infrastructure. However, the conference report before us does not include those titles. While I support the effort to improve security at our ports, I cannot justify ignoring the needs of these other modes of transportation and continuing to leave Americans at risk.

Moreover, the process by which the decision was made to jettison these critical provisions was sorely lacking in transparency and accountability. The conference committee held only a single public meeting, and conferees were not permitted to offer any amendments to the conference report. When the conference committee met, for the first and only time in a public venue, I observed that this conference presented us with a unique opportunity to address the pressing security needs of our transit systems and to protect the millions of Americans who ride transit every day. I expressed my view that failure to take advantage of this opportunity would be tragic. Unfortunately, this conference report adopts the House position on transit and rail security—which is that our Nation's transit and rail riders will have to wait for another day to see a meaningful Federal commitment to their safety.

I want to focus my remaining remarks on public transportation, which is within the jurisdiction of the Committee on Banking, Housing, and Urban Affairs, on which I am the ranking member. The transit provisions in the Senate bill were based on legislation that passed the Senate unanimously in the 108th Congress, and passed again this Congress in the context of this legislation, again unanimously. The Senate bill would have provided grants to our Nation's transit systems to help protect the millions of riders who use subway trains, commuter rail, and buses every single day.

If there is any question as to whether transit is at risk, one need only look at recent events. This summer, seven coordinated bomb blasts devastated commuter rail trains in Mumbai, India, leaving over 200 people dead and 700 injured. Last year, the London subway

system was the target of a tragic attack that left 52 people dead, and in 2004, almost 200 people were killed when bombs exploded on commuter rail trains in Madrid.

In the United States this past May, the Department of Homeland Security issued a specific warning to transit systems to remain alert against possible terrorist attacks. The warning said that four people had been arrested over several months in separate incidents involving videotaping of European subway stations and trains or similar activity, which, the Department went on to say, provides ''indications of continued terrorist interest in mass transit systems as targets.''

The threat to transit is clear. In response, both the Federal Transit Administration and the Department of Homeland Security have worked with transit systems to identify steps that can be taken to help prevent and mitigate attacks. In fact, the greatest challenge to securing our Nation's transit systems is not a lack of knowledge of what to do, but rather lack of resources with which to do it. In the words of the Government Accountability Office: ''Obtaining sufficient funding is the most significant challenge in making transit systems as safe and secure as possible.''

Despite the record of attacks against transit overseas and the identified vulnerabilities here at home, the Federal Government's response to the needs of America's transit systems—which provide 32 million trips every weekday—has thus far been inadequate. In an editorial published shortly after the London subway bombings, the Baltimore Sun stated that, ''Since September 11, 2001, the Federal Government has spent $18 billion on aviation security. Transit systems, which carry 16 times more passengers daily, have received about $250 million. That is a ridiculous imbalance.''

To begin to address this issue, I worked closely with Chairman SHELBY and with Senator REED of Rhode Island, who have been leaders on this issue, on the Public Transportation Terrorism Prevention Act, which was incorporated into the Senate version of H.R. 4954. The Senate bill authorized $3.5 billion over 3 years in security grants for our Nation's public transportation systems. That money would have been available for projects designed to resist and deter terrorist attacks, including surveillance technologies; tunnel protection; chemical, biological, radiological, and explosive detection systems; perimeter protection; employee training; and other security improvements.

Let me give one example of a critical need right here with respect to Washington's Metro. Their greatest security need is a backup operations control center. This need was identified by the Federal Transit Administration in its initial security assessment and then identified again by the Department of Homeland Security in its subsequent security assessment. This critical need remains unaddressed because it has been unfunded. The Senate bill would have authorized the funding to make this and other urgently needed security upgrades at transit systems around the country.

We know that transit systems are potential targets for terrorist attacks. We know the vital role these systems play in our Nation's economic and security infrastructure. We can wait no longer to address the critical security needs of America's transit systems. The Senate has passed transit security legislation unanimously in each of the last two Congresses. By adopting the House of Representatives' do-nothing position on transit in this conference report, we have lost a unique opportunity to help protect the millions of Americans who use transit every day.

Mr. LIEBERMAN. Mr. President, the Security and Accountability for Every Port, or SAFE Port, Act marks a significant advancement for the security of our ports, authorizing $400 million for critical port security grant programs and enabling all ports—not merely a select few—to become eligible to apply for that funding. These improvements are desperately needed to help close one of our most dangerous security vulnerabilities.

But when the Senate approved our version of this bill, it was a broader, comprehensive transportation security bill. It was not limited to the security of our ports but extended to several other modes of transportation—namely, rail, transit, trucking, and pipelines. It authorized over $4.5 billion for the security of mass transit systems, freight railroads, and passenger rail.

Unfortunately, the Republican leadership, acting alone and without participation from the appointed Democratic conferees, stripped those provisions from the bill we are voting on tonight. I am deeply disappointed that conferees were never given an opportunity to frankly discuss and amend the conference report, even when Member after Member asked for that opportunity.

This unilateral, partisan process also resulted in the eleventh hour insertion of a bill that purportedly outlaws Internet gambling but which may have unintended consequences. This issue clearly deserves more deliberation, and it is unfortunate that such a measure has been added to a critical bill designed to protect the Nation's ports, legislation which this Congress must pass. I hope that the Senate will return to this issue and give it the attention it deserves, in the future.

On the issue which is what this bill is about, securing our homeland, we had a golden opportunity to present the President with legislation to enhance the security of our rail and transit systems. Fourteen million people ride the rails every day in America, and Connecticut is no different, where 110,000 people use the New Haven MTA line each day. Improving security for rail and transit is an enormous concern and it should have been addressed tonight, rather than in a future Congress.

It is unfortunate that the bill no longer contains most of the well-advised Senate provisions which would have strengthened our open and highly vulnerable rail and transit systems. While the rail and transit provisions authorized a large sum of money, it is but a fraction of what the experts say is needed to address rail and transit vulnerabilities—vulnerabilities which have been exploited time and again by terrorists in London, Madrid, and Mumbai. I regret that the money was stripped out of the bill and that I was prevented from even trying to reinstate it by offering an amendment in a conference that was never formally completed.

Nevertheless, I am proud to be an original cosponsor of the port security legislation at the heart of this conference report and to have worked with my colleagues in the Senate and House to craft the port security provisions we will be voting on shortly.

Let me thank Senators COLLINS, MURRAY, COLEMAN, STEVENS, and INOUYE for their hard work not only in bringing a comprehensive, bipartisan port security bill before the Senate but also for expertly guiding it toward a 98 to 0 vote, and now through conference. I would also like to tip my hat to Senators GRASSLEY and BAUCUS of the Finance Committee for their hard work as well.

Mr. President, 95 percent of our international trade flows through our ports. Prior to 9/11, the main goal was to move these goods through our ports efficiently. Since 9/11, we have come to realize we need to bring security into that equation but without harming our economy which depends on international trade.

It is a tricky—but imperative—balancing act.

The 9/11 Commission reported that ''major vulnerabilities still exist in cargo [security]'' and that, since aviation security has been significantly improved since 9/11, ''terrorists may turn their attention to other modes. Opportunities to do harm are as great, or greater, in maritime and surface transportation.''

Just last month, RAND's Center for Terrorism Risk Management Policy published a report titled: ''Considering the Effects of a Catastrophic Terrorist Attack'' that considered the effects of a nuclear weapon smuggled in a shipping container sent to the Port of Long Beach and detonated on a pier.

The potential short- and long-term effects truly are devastating. The report estimated that up to 60,000 people might die instantly from the blast or radiation poisoning, with 150,000 more exposed to hazardous levels of radiation.

The blast and the fires could completely destroy both the Port of Long Beach and the Port of Los Angeles and every ship in the port. As many as 6

million people might have to be evacuated from the Los Angeles area and another 2 to 3 million from the surrounding area might have to relocate due to the fallout. Short-term costs could exceed $1 trillion.

Besides the damage to the United States, such an attack would cause economic ripple effects across the globe.

The dangerous little secret of port security—and why we need this bill—is that we still have very little idea about the contents of thousands of containers that are shipped into and across the heart of this Nation every day. Just 5 or 6 percent of those containers are physically inspected.

While Senator COLLINS and I began working on port security legislation in late 2004, the truth is port security received a major shot of adrenaline after the Dubai Ports World controversy earlier this year.

Looking back on it, perhaps we should be thankful for that uproar, since it raised the collective consciousness of the American people and Members of Congress to the vulnerabilities that we face at our ports.

Following that skirmish, the Homeland Security and Governmental Affairs Committee marked up the GreenLane bill, and later, Senator COLLINS and I started working with the Senate Commerce and Finance Committees, as well as our House colleagues to craft the comprehensive legislation we are voting on today.

The SAFE Port Act builds on the GreenLane foundation by providing both direction and much needed resources to port security. The bill moves us closer toward the goal of inspecting all of the containers entering the United States through our ports. The legislation requires DHS to establish a pilot program to inspect 100 percent of all containers bound for the United States from three foreign ports within 1 year and then report to Congress on how DHS can expand that system. We should move toward 100 percent inspection as fast as we can, understanding that we are at cross purposes if commerce slows to a halt. This legislation will provide us critical information about how soon we can achieve this goal.

This bill authorizes port security grant, training, and exercise programs, with a $400-million grant program for which all ports can apply. And it requires DHS to deploy both radiation detection and imaging equipment to improve our ability to find dangerous goods and people being smuggled into the United States.

DHS says it will deploy radiation portal monitors at all of our largest seaports by the end of 2007. But this solution is only half of the equation. To provide real port security, radiation detection equipment must be paired with imaging equipment capable of seeing through dense materials that might shield radiation. This legislation requires DHS to develop a strategy for deploying both types of equipment, as does the three-port pilot program for screening 100 percent of containers.

Lastly, since most experts agree that the next terrorist attack is a matter of when, not if, this bill requires DHS to develop a plan to deal with the effects of a maritime security incident, including protocols for resuming trade and identifying specific responsibilities for different agencies. I cannot stress the importance of this provision enough. The private sector and our global partners must have confidence that we can mitigate an economic disruption with the least amount of harm to our trading partners and foil terrorism's chief goal, which is to instill chaos.

Mr. President, again let me stress that the absence of funding for rail and transit security is a major omission that leaves wide open an entire transportation sector that we know from history is an appealing target for terrorists.

Nevertheless, when it comes to our ports, the SAFE Port Act will move us one giant step closer to better security by building a robust security regime domestically and abroad and by providing the resources necessary to protect the American people and our global economy.

Mr. REED. Mr. President, tonight the Senate is voting on the port security conference report. While the conference report contains important provisions to secure our Nation's ports, I am disappointed that the House of Representatives refused to accept the Senate bill's transit and rail security provisions. This is particularly troubling in light of the inclusion in the conference report of extraneous matter not debated by the full Senate and not related to our nation's security.

While our Nation acted quickly after 9/11 to secure our airports and airplanes, major vulnerabilities remain in maritime and surface transportation. As the 9/11 Commission concluded ''opportunities to do harm are as great, or greater, in maritime and surface transportation'' as in commercial aviation. Unfortunately, this conference report will leave our surface transportation system vulnerable.

Transit agencies around the country have identified in excess of $6 billion in transit security needs—$5.2 billion in security-related capital investment and $800 million to support personnel and related operation security measures to ensure transit security and readiness.

The Senate-passed port security bill contained a provision I coauthored with Banking Committee Chairman SHELBY, Ranking Member SARBANES, and Senator ALLARD that authorized a needs-based grant program within the Department of Homeland Security to identify and address the vulnerabilities of our Nation's transit systems. The Senate bill provided $3.5 billion over the next 3 years to transit agencies for projects designed to resist and deter terrorist attacks, including surveillance technologies, tunnel protection, chemical, biological, radiological, and explosive detection systems, perimeter protection, training, the establishment of redundant critical operations control systems, and other security improvements.

Transit is the most common, and most vulnerable, target of terrorists worldwide, whether it is Madrid, London, Moscow, Tokyo, Israel, or Mumbai. According to a Brookings Institution study, 42 percent of all terrorist attacks between 1991 and 2001 were directed at mass transit systems.

Transit is vital to providing mobility for millions of Americans and offers tremendous economic benefits to our Nation. In the United States, people use public transportation over 32 million each weekday compared to two million passengers who fly daily. Paradoxically, it is the very openness of the system that makes it vulnerable to terrorism. When one considers this and the fact that roughly $9 per passenger is invested in aviation security, but less than one cent is invested in the security of each transit passenger, the need for an authorized transit security program is clear.

Transit agencies and the women and men who operate them have been doing a tremendous job to increase security in a post 9/11 world, but there is only so much they can do with the very limited resources at their disposal. Our Nation's 6,000 transit agencies face a difficult balancing act as they attempt to tighten security and continue to move people from home to work, school, shopping, or other locations efficiently and affordably. This conference report should have provided for these workers and transit riders' safety and it did not.

With energy prices taking a larger chunk out of consumers' pocketbooks, public transit offers a solution to our national energy crisis and dependence on foreign oil. But, more Americans will not use transit unless they feel safe. When it comes to protecting our homeland against a terrorist attack, we can and must do more to fortify our ports, our transit systems, and our rail system. Our priorities must be to ensure that we are doing all we can to protect our most important asset our—citizens. Unfortunately, this conference report falls short by failing to include rail and transit security, and once again the Republican-led Congress has missed an important opportunity.

Mr. JOHNSON. Mr. President, I have serious concerns about extraneous provision that was included in the port security conference report. The internet gaming prohibition which was included in the conference report at the eleventh hour has been opposed by banks, convenience stores, American Indian tribes, religious groups, and a Government agency—the National Indian Gaming Commission.

There are several troublesome attributes to this legislation, but perhaps

none more so than how it became included in the port security conference report. This legislation was never approved by the Senate Banking Committee nor debated by the full Senate. Many unresolved concerns exist about this legislation regarding the impact it will have on the banking and gambling industry, an effect that could be in the billions of dollars.

I strongly support firm regulation and oversight of the gambling industry, but this legislation is unequal in its treatment of gambling activities creating specific carve outs for horse racing while not providing similar treatment for other gambling entities. As expressed in the opposition letter of the National Indian Gaming Commission, the Federal agency charged with oversight of Indian Gaming, this legislation could have unintended consequences that will have negative and far reaching effects on the Indian Gaming industry. Moreover, this legislation charges banks with a responsibility for regulating the wire transfers that could potentially place an undue burden on the small independent banks that serve countless South Dakotans and others on main streets across the country.

At the very least, the effects of this legislation needed to be studied and analyzed by the full Senate before final passage. While I now have no choice but to vote for Defense legislation at a time when our Nation is at war, I deeply resent the Republican leadership shopping this unrelated matter into a must pass bill. The inclusion of the Internet Gambling provision in a must pass bill at the last minute is irresponsible legislation.

Mr. COLEMAN. Mr. President, I support the SAFE Port Act. Simply put—this historic legislation will make us safer.

The result of inaction will be disastrous. The stakes are just too high. In a recent estimate, a 10-to-20 kiloton nuclear weapon detonated in a major seaport would kill 50,000 to one million people and would result in direct property damage of $50 to $500 billion, losses due to trade disruption of $100 billion to $200 billion, and indirect costs of $300 billion to $1.2 trillion.

FBI Director Robert Mueller, ominously assessed the terrorist threat at the annual Global Intelligence Briefing by stating he is very concerned ''with the growing body of sensitive reporting that continues to show al-Qa'ida's clear intention to obtain and ultimately use some form of chemical, biological, radiological, nuclear or high-energy explosives in its attacks against America.''

Many terrorism experts believe that maritime container shipping may serve as an ideal platform to deliver these weapons to the United States. In fact, we recently saw that containers may also serve as ideal platforms to transport potential terrorists into the United States. This was demonstrated on January 15 and again on April 2 of this year when upwards of 30 Chinese immigrants were found emerging from containers arriving at the Port of Los Angeles. The Subcommittee's concern is that smuggled immigrants could include members of terrorist organizations—and/or—that the container could have contained a weapon of mass destruction.

As the 9/11 Commission put it so succinctly, ''opportunities to do harm are as great, or greater, in maritime or surface transportation.'' Since 90 percent of global trade moves in maritime containers, we can not allow these containers to be utilized to transport weapons of mass destruction. The consequences of such an event would be devastating to our way of life and our economy.

Instead, we must secure our supply chain before we pay the high price of an attack, and seek the appropriate balance between two often competing priorities: security and speed. This balancing act resulted in the creation of two prominent homeland security programs—the Container Security Initiative, or CSI, and the Customs-Trade Partnership Against Terrorism, or C–TPAT. CSI effectively pushed our borders out by placing CBP offices in foreign ports to inspect containers before they reach our shores. C–TPAT exemplified a true public-private partnership, in which the private sector took a leading role in securing its supply chain. These programs alone are laudable—but due to the sheer magnitude of the challenge of securing the global supply chain—we must continue to improve upon these promising initiatives.

With that in mind, as Chairman of the Permanent Subcommittee on Investigations, I have directed the Subcommittee's 3-year effort to bolster America's port security and supply chain security. We have identified numerous weaknesses in our programs that secure the global supply chain. A brief overview of these problems illustrates the challenges confronting these efforts:

In CSI, the Subcommittee found that only a de minimus number of such high-risk containers are actually inspected. In fact, the vast majority of high-risk containers are simply not inspected overseas. To make matters worse, the U.S. Government has not established minimum standards for these inspections.

The Subcommittee initially found that an overwhelming proportion of C–TPAT companies enjoy the benefits before DHS conducts a thorough on-site inspection, called a validation. As of July 2006 this proportion has improved considerably to where 49 percent of the participating companies have been subjected to a validation. But this still leaves 51 percent of companies that have not been subjected to any legitimate, on-site review to ensure that their security practices pass muster.

The Subcommittee found that DHS uses a flawed system to identify high-risk shipping containers entering U.S. ports. According to CBP officials, the Automated Targeting System or ATS is largely dependent on ''one of the least reliable or useful types of information for targeting purposes,'' including cargo manifest data and bills of lading. Moreover, the Subcommittee found that this targeting system has never been tested or validated, and may not discern actual, realistic risks.

Currently, only 70 percent of cargo containers entering U.S. ports are screened for nuclear or radiological materials. One part of the problem is that the deployment of radiation detection equipment is woefully behind schedule. As of August 29, 2006, the Department of Homeland Security has deployed only 43 percent of the necessary radiation monitors at priority seaports.

These are just a handful of the significant problems discovered by the Subcommittee. In short, America's supply chain security remains vulnerable. Our enemies could compromise the global supply chain to smuggle a Weapon of Mass Destruction, WMD, or even terrorists, into this country. This legislation tackles these concerns—and many other weaknesses—in a coherent and comprehensive manner.

The SAFE Port Act addresses the problem of inadequate nuclear and radiological screening, by requiring the Secretary of DHS to develop a strategy for deployment of radiatioction capabilities and mandating that, by December 2007, all containers entering the United States through the busiest 22 seaports shall be examined for radiation; requires DHS to develop, implement, and update a strategic plan improve the security of the international cargo supply chain. In particular the plan will identify and address gaps, provide improvements and goals, and establish protocols for the resumption of trade after a critical incident; requires DHS to identify and request reliable and essential information about containers moving through the international supply chain; requires DHS to promulgate a rule to establish minimum standards and procedures for securing containers in transit to the U.S.; provides Congressional authorization for the CSI program, empowering cap to identify, examine or search maritime containers before U.S.-bound cargo is loaded in a foreign port as well as establish standards for the use of scanning and radiation detection equipment at CSI ports; and authorizes C–TPAT and establishes certain minimum security and other requirements that applicants must meet to be eligible for C–TPAT benefits.

Even if we pass this legislation, our job is not completed. We still need to look to the future and develop even more effective and advanced programs and technology. Effectively scanning containers with both an x-ray and a radiation scan is the only definitive answer to the perplexing and most important question of ''what's in the box?''

However, in fiscal year 2005, only 0.38 percent of containers were screened

with a nonintrusive imaging device and only 2.8 percent of containers were screened for radiation prior to entering the United States. DHS' efforts have improved somewhat from last year's paltry numbers, but we have more work to do. To date, DHS still uses a risk-based approach that targets only high-risk containers. While this approach is fundamentally sound, the system used to target high-risk containers has yet to be validated or proven to accurately identify high-risk containers. Moreover, the validity of the intelligence used to enhance this system's targeting ability is increasingly in question. Thus, we need to both enhance our targeting capability and use technology to enhance our ability to increase inspections—without impeding the flow of commerce.

While the United States currently inspects approximately 5 percent of all maritime containers, the partial pilot test in the Port of Hong Kong demonstrates the potential to scan 100 percent of all shipping containers. Each container in the Hong Kong port flows through an integrated system featuring an imaging machine, a radiation scan, and a system to identify the container. Coupling these technologies together allows for the most complete scan of a container currently available. The Hong Kong concept or similar technology holds great promise and could lead to a dramatic improvement in the efficacy of our supply chain security.

I am pleased to say that this legislation develops a pilot program in three foreign seaports, each with unique features and varying levels of trade volume to test integrated scanning systems using non-intrusive inspected radiation detection equipment. It requires full-scale pilot implementation within 1 year after enactment and an evaluation report would be required to be submitted to Congress 120 days after full implementation of the pilot. If the pilot programs prove successful, then full-scale implementation would follow.

The bottom line is this: we are safer now than we were yesterday, but we are not safe enough. The question then becomes: how do we get there? In the words of the hockey legend Wayne Gretzky, ''A good hockey player plays where the puck is. A great hockey player plays where the puck is going to be.'' In other words, we cannot safeguard a post 9/11 America by using pre-9/11 methods. If we think that the terrorists are not plotting their next move, we are mistaken. We must find where the gaps are in our Nation's homeland security and close them before an attack happens. That is the only way to guarantee our security.

I agree with what Secretary Chertoff articulated at our full Committee DHS budget hearing, ''the worst thing would be this: to have a program for reliable cargo that was insufficiently robust so that people could sneak in and use it as a Trojan Horse. That would be the worst of all worlds.'' By reforming and strengthening C–TPAT, CSI, ATS, by expediting the, deployment of sophisticated radiation portal monitors and testing the ability to scan 100 percent of cargo before it enters the United States, the SAFE Port Act closes gaps in our homeland security and makes us safer.

The conference report was agreed to.

(The conference report is printed in the proceedings of the House in the RECORD of September 29, 2006).

DEPARTMENT OF DEFENSE AUTHORIZATION BILL

Mr. FRIST. Mr. President, I do want to add my congratulations to the managers, Senators WARNER and LEVIN. They have done a tremendous job on the Defense authorization bill, a very important bill. We had several pauses over the course of today that we were able to work through, and not at all with the substance of the bill, but with related issues. But I congratulate both of them for their hard work, for their dedication, and for their patriotism, all of which is reflected in that Defense authorization conference report that we just passed.

UNANIMOUS CONSENT REQUEST—S. 3709

Mr. FRIST. Mr. President, I do want to turn to another very important issue. It is an issue the Democratic leader and I have been discussing and moving towards. It is on the India nuclear arrangement. I will propound a unanimous consent request and comment after that.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3709, the U.S.-India nuclear bill. I ask consent that the managers' amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Democratic leader.

Mr. REID. Mr. President, reserving the right to object, I support this legislation. I have for many months. This was reported out of the committee sometime in July. And from that time to today, we have given the majority a proposal for a limited number of amendments. When we get back after the election—I have spoken to the majority leader—certainly there is a commitment from us that we would complete this bill very expeditiously. This has been rejected.

As I have indicated, this bill has been on the calendar since July, and it has not been scheduled. We could have acted on this a long time ago. It was held up initially because of an arms control measure that was placed in the bill by Senator LUGAR. And a number of people on the majority side, the Republican side, held this up. It took a lot of time. It was not brought forward. And that is unfortunate.

So I will object to this consent request. I look forward to working with the majority leader in November to complete this act. It is very important. I acknowledge that. I hope, certainly, we can do that during the lame-duck session. It is one of my priorities.

The PRESIDING OFFICER. Objection is heard.

The majority leader is recognized.

Mr. FRIST. Mr. President, I know my distinguished Democratic colleague agrees with me about the need to enact this United States-India Peaceful Atomic Energy Cooperation Act.

Therefore, once again, I am disappointed that this Senate is prevented from passing this important legislation by their objection.

All Republican Members of the Senate are prepared, this evening, to pass the managers' amendment to the legislation without any debate or amendment. But it is clear the Democrats will not allow us to do so.

The reason so many of my colleagues on the other side of the aisle are not prepared to pass the legislation is that in some cases they oppose it and wish to defeat it, and in other cases, a lot of amendments. In my opinion and the opinion of other Republican Members of the Chamber, there really is no need to further amend the managers' amendment. It was carefully worked out between Chairman LUGAR and Ranking Member BIDEN of the Committee on Foreign Relations. They have done an outstanding job working on that bill and refining that bill that was reported by their committee. It is a tribute to their fine work, to their dedication, to their hard work that all concerns with that legislation, at least on our side of the aisle, have been fully addressed.

The reason I have continued to push for it is because it means that now that we have this recess, we will not be able to get back to it until November. And this means we just lose valuable time in working out differences between S. 3709 and the corresponding bill that has already been approved by the House of Representatives for several weeks now. So that is the reason I have tried to work out a reasonable way of addressing this and have not been successful to date.

So with that, Mr. President, I hope we will be able to do this just as soon as possible. If there is no progress made on the other side between now and November in narrowing down the large number of amendments on the other side, we would have to take the measure up under cloture. That is not the way I would want to proceed. When I look at the large number of amendments on the other side, though, it looks like we would have no alternative. I assure our colleagues that I consider this legislation very high priority, and absolutely I am determined to bring it back to the floor at the earliest date possible—I hope soon after we return.

We have a lot of legislation to do when we come back. We need to get to this as quickly as possible. With that, there should be no doubt on our side of the determination and President Bush's commitment on this matter and to get this done as soon as possible.

Mr. REID. Mr. President, if I may say a final word. The problem with the managers' amendment, all the amendments are Republicans' amendments. We don't have the numbers, but I think we have a few amendments that would strengthen the bill. We have discussed this publicly and privately and here is where we are. It is unfortunate. It is something that should be done. There is not a country in the world, in my opinion, that deserves more attention than India—maybe some as much as them, but they have been a good partner of ours. I think this would be a step forward for the world and our two countries.

Mr. FRIST. Mr. President, it is my understanding the managers' amendment has been worked out between Senator LUGAR and Senator BIDEN to their satisfaction.

We all agree that it is critical to do this as soon as possible. We have this promise of a new relationship between our Nation and India, which is the world's largest democracy, and it is a relationship President Bush has begun to construct. That can only grow if Congress delivers on the commitment the President put forward to revise the U.S. law. There should be no doubt about our determination to deliver on President Bush's commitment.

ORDERS FOR THURSDAY, NOVEMBER 9, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of H. Con. Res. 483 until 10 a.m. on Thursday, November 9, and that following the prayer and the pledge, the Senate stand in adjournment until Monday, November 13, at 2 p.m. I further ask that notwithstanding the adjournment of the Senate on November 9, Senators be permitted to introduce bills and submit statements and the Senate receive messages until 10:30 a.m. on November 9.

I further ask that following the prayer and the pledge on Monday, November 13, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

PROGRAM

Mr. FRIST. Mr. President, it has been a long day. We are into our second day now, as it is about 2:20 in the morning. It has been a productive day with the passage of the Defense appropriations conference report, the border security fence bill, the Homeland Security appropriations conference report, the Iran Libya Sanctions Act, and several other key legislative and executive items.

We will return on November 9 for a brief session for the introduction of bills, but no business will be conducted. We will return on Monday, November 13. We will have a busy week, with orientation of new Members and our party conferences. I don't expect votes to begin that week until sometime later Tuesday afternoon. We will get word to Members as to the timing of any votes.

THANKING THE SENATE STAFF

Mr. REID. Mr. President, if the Senator will yield. I know I speak for both of us in expressing our appreciation to our Senate staff. It is 2:30 in the morning, and they have been here long, long hours. We get a lot of things done here, but it is not on our own. We have a wonderful staff that does so much.

We have the pages, some of whom are still here, and they are juniors in high school. We have the doorkeepers, the Capitol Police, the official reporters, and the fine floor staff that makes it possible to get all this complicated stuff done. It could not be done without them. They get very little recognition.

To them, I say thank you very much to all of you who do such wonderful things for us personally, and it all winds up being for our country.

Mr. FRIST. Mr. President, I second that as well. It is interesting, when you are around here at 2:30 in the morning—or, as I said at my retirement dinner, when you are here early in the morning and are among the first people who come in and usually one of the last people leaving, because generally Senator REID and I are here to close, you get to see a side of this place that a lot of people don't see—the people who keep it clean, who sweep the floors, make sure light bulbs are in place, who make sure there is always clean paint on the walls. It is pretty amazing. It reminds me of a hospital a lot because people get sick 24 hours a day. This is very similar in that the hours are unpredictable, and it is a living democracy in which we have the opportunity to participate. It is one big, huge team that makes it possible. We very rarely pause and say that. It is very important as we all work together to make the country a safer, healthier, and stronger place.

ADJOURNMENT UNTIL THURSDAY, NOVEMBER 9, 2006, AT 10 A.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of H. Con. Res 483.

There being no objection, the Senate, at 2:26 a.m., adjourned until Thursday, November 9, 2006, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 29, 2006:

THE JUDICIARY

WILLIAM LINDSAY OSTEEN, JR., OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, VICE WILLIAM L. OSTEEN, SR., RETIRED.

MARTIN KARL REIDINGER, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA, VICE GRAHAM C. MULLEN, RETIRED.

THOMAS D. SCHROEDER, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, VICE FRANK W. BULLOCK, JR., RETIRED.

DEPARTMENT OF JUSTICE

JOHN ROBERTS HACKMAN, OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE JOHN FRANCIS CLARK.

DEPARTMENT OF THE TREASURY

ROBERT F. HOYT, OF MARYLAND, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY, VICE ARNOLD I. HAVENS, RESIGNED.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be captain

RAYMOND C. SLAGLE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be ensign

CARYN M. ARNOLD
MATTHEW T. BURTON
JAMES T. FALKNER
MARK K. FRYDRYCH
JUSTIN T. KEESEE
JENNIFER L. KING
BENJAMIN M. LACOUR
CHAD M. MECKLEY
MEGAN A. NADEAU
CARL G. RHODES
CHRISTOPHER S. SKAPIN
JOSHUA J. SLATER
TIMOTHY M. SMITH
RYAN C. WATTAM
MARC E. WEEKLEY
PHOEBE A. WOODWORTH

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

To be assistant surgeon

CHRISTOPHER J. BENGSON
SAMUEL A. MC ARTHUR
CHAYANIN MUSIKASINTHORN

THE FOLLOWING CANDIDATE FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be assistant surgeon

LEAH HILL

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED. FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JAMES A. JIMENEZ, OF FLORIDA
NATHANIEL SEKOU TURNER, OF MARYLAND

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OFTHE UNITED STATES OF AMERICA, AS INDICATED: CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

THOMAS J. BRENNAN, OF MISSOURI
LAURA A. GIMENEZ, OF CALIFORNIA
JANE KITSON, OF MARYLAND
ERIC P. OLSON, OF COLORADO

DEPARTMENT OF STATE

JEFFREY D. ADLER, OF MASSACHUSETTS

KATHERINE ARCIERI, OF NEW JERSEY
MARK ERNEST AZUA, OF ILLINOIS
KRISTIN HELENE BAHNSEN, OF THE DISTRICT OF COLUMBIA
SHERRI BAKER, OF VIRGINIA
BRIAN T. BEDELL, OF WISCONSIN
SHANNON D. BEHAJ, OF DELAWARE
LYNETTE M. BEHNKE, OF THE DISTRICT OF COLUMBIA
DANIEL M. BELL III, OF VIRGINIA
STEPHEN BLACK, OF NEW YORK
CAREN A. BROWN, OF ARIZONA
JOEL TODD BULLOCK, OF ALABAMA
DANIEL N. CALLISTER, OF VIRGINIA
ANGELA CAULFIELD, OF VIRGINIA
ANDREW HUN CHOI, OF VIRGINIA
JOHN MICHAEL COYLE, OF VIRGINIA
JONATHAN JOEL CRAWFORD, OF VIRGINIA
PATRICK EVERETT CRUNKLETON, OF VIRGINIA
JONATHAN M. CULLEN, OF VIRGINIA
VALERI A. DAVIES, OF VIRGINIA
KIMBERLY J. DEICHERT, OF OHIO
AINSLEY YOHANN DESILVA, OF VIRGINIA
PRADNYA PRADHAN DESHPANDE, OF VIRGINIA
HESTER KERKSIEK DREDGE, OF TEXAS
ERIC EILSKOV, OF TEXAS
AARON FEIT, OF MICHIGAN
EMILY S. FERTIK, OF MASSACHUSETTS
PATRICK J. FISCHER, OF PENNSYLVANIA
ANN CLEMENTI FLYNN, OF CALIFORNIA
JILLIAN FRUMKIN, OF VIRGINIA
JANE K. GAMBLE, OF WASHINGTON
LEAH GEORGE, OF NEW YORK
PETER H. GILLETTE, OF VIRGINIA
STEVEN F. GRABOWSKI, OF VIRGINIA
KRISTI L. GRUIZENGA, OF MICHIGAN
CARRIE A. GRYSKIEWICZ, OF MINNESOTA
MICHAEL D. GUINAN, OF VIRGINIA
REVA GUPTA, OF MARYLAND
CAROLINE ADAIR HAMILTON, OF TEXAS
KENNETH C. HAN, OF VIRGINIA
ELIZABETH E. HANNY, OF VIRGINIA
ALEXANDER HAWKES, OF CALIFORNIA
LYNDA J. HINDS, OF CALIFORNIA
ELIZABETH M. HOFFMAN, OF NEW YORK
JOHN THOMAS ICE, OF KENTUCKY
KENNETH WAYNE JACKMAN II, OF THE DISTRICT OF COLUMBIA
JENNIFER MARIE JASKEL, OF VIRGINIA
JENNIFER A. JONES, OF CALIFORNIA
BLAINE KALTMAN, OF FLORIDA
DANIEL SETH KATZ, OF WASHINGTON
JULIE L. KELLY, OF VIRGINIA
BRIAN E. KENNEDY, OF THE DISTRICT OF COLUMBIA
WILLIAM E. KIRBY, OF VIRGINIA
KAREN E. KIRCHGASSER, OF THE DISTRICT OF COLUMBIA
SHAWN A. KOBB, OF VIRGINIA
ELIZABETH A. KOLOJEK, OF OHIO
STEVEN W. KOOP, OF VIRGINIA
DIANA L KRAMER, OF THE DISTRICT OF COLUMBIA
SIMON KIM LEE, OF VIRGINIA
MARION D. LEVESKAS, OF OHIO
KING SAN LIEN, OF MASSACHUSETTS
ALMA LONDON, OF VIRGINIA
EDWARD V. MARSHALL, OF VIRGINIA
AMIR MASLIYAH, OF CALIFORNIA
KIMBERLY L. MCCLAIN, OF TEXAS
SUSAN N. MCFEE, OF NEW JERSEY
MCKENZIE A. MILANOWSKI, OF PENNSYLVANIA
CAROLYN A. MILLS, OF VIRGINIA
VINCENT R. MOORE, OF SOUTH CAROLINA
MATTHEW J. MORRILL, OF VIRGINIA
ADAM D. MURRAY, OF MICHIGAN
MENAKA M. NAYYAR, OF NEW YORK
JAIMEE MACANAS NEEL, OF NEVADA
MARIANA L. NEISULER, OF VIRGINIA
RICHARD C. NICHOLSON, OF FLORIDA
AARON ADRIAN NUUTINEN, OF TEXAS
ANGELA JANE PALAZZOLO, OF VIRGINIA
KATRISA BOHNE PEFFLEY, OF MINNESOTA
KIMBERLY G. PHELAN, OF CALIFORNIA
ANTHONY V. PIRNOT, OF PENNSYLVANIA
JENNIFER L. PROULX, OF VIRGINIA
STEVEN M. RICHES, OF TENNESSEE
DALE M. RICHTER, OF VIRGINIA
RENE A. RIVERA-SANTIAGO, OF VIRGINIA
SILVANA DEL VALLE RODRIGUEZ, OF THE DISTRICT OF COLUMBIA
MICHAEL JAMES SCHARDING, OF THE DISTRICT OF COLUMBIA
SARAH GOLDFEDER SCHMIDT, OF MAINE
ERIK J. SCHNOTALA, OF ILLINOIS
SUSAN T. SERNA, OF TEXAS
AMIT S. SHETH, OF VIRGINIA
CRAIG C. SHIPLEY, OF VIRGINIA
SPENCER CARRYN SHIPMAN, OF MARYLAND
SCOTT M. SIMPSON, OF TEXAS
KATHERINE PARKS SKARSTEN, OF COLORADO
VIRGINIA LEE STERN, OF ILLINOIS
RACHEL M. STREIN, OF VIRGINIA
JENNIFER SKOUSEN SUDWEEKS, OF VIRGINIA
BARBARA R. SZCZEPANIAK, OF FLORIDA
MARC TARANTO, OF VIRGINIA
JAIME L. TEAHEN, OF VIRGINIA
HAMISH B. TEASDALE, OF VIRGINIA
JAMES TIRA, OF NEW YORK
DANIELLE MARIE TRAYLOR, OF THE DISTRICT OF COLUMBIA
MATTHEW E. WALL, OF ALABAMA
DANIEL KARL WALTER, OF VIRGINIA
MARY WALZ, OF WASHINGTON
DAVID EARL WILLIAMS, OF NORTH CAROLINA
SUSAN A. WILSON, OF VIRGINIA
HOWELL J. WINTERS, OF VIRGINIA
MIREILLE L. ZIESENISS, OF THE DISTRICT OF COLUMBIA

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be colonel

JEFFERY C. CARSTENS, 0000

To be lieutenant colonel

CHARLES M. COUNCE, 0000
CHARLES D LUTIN, 0000
SUSAN P. STATTMILLER, 0000

To be major

MICHAEL M. BEZOUSKA, 0000
ENRIQUE M. BURSZTYN, 0000
DAWNE P. CHRICHLOWROUSE, 0000
KAVITA P. DAVEARORA, 0000
EARL W. EDWARDS, 0000
LONNIE T. FEAGAN, 0000
TIMOTHY J. HIRTEN, 0000
JOHN O. MAYES III, 0000
STEFAN J. ORR, 0000
MARIA M. B. SANGALANG, 0000
MARCIA WHEELER, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

ROBERT E. SUTER, 0000

To be lieutenant colonel

RICHARD C. RUCK, 0000
STEPHEN T. SAUTER, 0000
LINDA K. WEIR, 0000

To be major

LAURA DAWSON, 0000
DAWN HAROLD, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JOHN M. COTTEN, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

LAUREEN A. OTTO, 0000
DEE A. PAOLI, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

STEVEN F. WILLIAMS, 0000
JESSICA N. STANTON, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

LEE A. KNOX, 0000

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were confirmed:

Clyde Bishop, of Delaware, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Marshall Islands.

Charles L. Glazer, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

Donald Y. Yamamoto, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Democratic Republic of Ethiopia.

Frank Baxter, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Oriental Republic of Uruguay.

The Senate Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of the following nominations and the nominations were held at the desk:

Christopher A. Padilla, of the District of Columbia, to be an Assistant Secretary of Commerce.

Bijan Rafiekian, of California, to be a Member of the Board of Directors of the Export-Import Bank of the United States for the remainder of the term expiring January 20, 2007.

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination and the nomination was held at the desk:

Calvin L. Scovel, of Virginia, to be Inspector General, Department of Transportation.

The Senate Committee on Energy and Natural Resources was discharged from further consideration of the following nominations and the nominations were held at the desk:

Robert W. Johnson, of Nevada, to be Commissioner of Reclamation.

C. Stephen Allred, of Idaho, to be an Assistant Secretary of the Interior.

Mary Amelia Bomar, of Pennsylvania, to be Director of the National Park Service.

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, September 29, 2006:

DEPARTMENT OF TRANSPORTATION

ANDREW B. STEINBERG, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

DEPARTMENT OF DEFENSE

ROBERT L. WILKIE, OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

DEPARTMENT OF THE INTERIOR

DAVID LONGLY BERNHARDT, OF COLORADO, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR.

DEPARTMENT OF TRANSPORTATION

MARY E. PETERS, OF ARIZONA, TO BE SECRETARY OF TRANSPORTATION.

MISSISSIPPI RIVER COMMISSION

BRIGADIER GENERAL BRUCE ARLAN BERWICK, UNITED STATES ARMY, TOBE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION.

COLONEL GREGG F. MARTIN, UNITED STATES ARMY, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION.

BRIGADIER GENERAL ROBERT CREAR, UNITED STATES ARMY, TO BE A MEMBER AND PRESIDENT OF THE MISSISSIPPI RIVER COMMISSION.

REAR ADMIRAL SAMUEL P. DE BOW, JR., NOAA, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION.

TENNESSEE VALLEY AUTHORITY

WILLIAM H. GRAVES, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2007.

DEPARTMENT OF VETERANS AFFAIRS

ROBERT T. HOWARD, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (INFORMATION AND TECHNOLOGY).

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN K. VERONEAU, OF VIRGINIA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF THE TREASURY

ROBERT K. STEEL, OF CONNECTICUT, TO BE AN UNDER SECRETARY OF THE DEPARTMENT OF THE TREASURY.

CORPORATION FOR PUBLIC BROADCASTING

DAVID H. PRYOR, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2008.

CHRIS BOSKIN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2012.

EXECUTIVE OFFICE OF THE PRESIDENT

SHARON LYNN HAYS, OF VIRGINIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

DEPARTMENT OF COMMERCE

CYNTHIA A. GLASSMAN, OF VIRGINIA, TO BE UNDER SECRETARY OF COMMERCE FOR ECONOMIC AFFAIRS.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

COLLISTER JOHNSON, JR., OF VIRGINIA, TO BE ADMINISTRATOR OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION FOR A TERM OF SEVEN YEARS.

DEPARTMENT OF DEFENSE

RONALD J. JAMES, OF OHIO, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

NELSON M. FORD, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

MAJOR GENERAL TODD I. STEWART, USAF, (RET.), OF OHIO, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

JOHN EDWARD MANSFIELD, OF VIRGINIA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2011.

LARRY W. BROWN, OF VIRGINIA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2010.

PETER STANLEY WINOKUR, OF MARYLAND, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2009.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF COMMERCE

CHRISTOPHER A. PADILLA, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF STATE

CLYDE BISHOP, OF DELAWARE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS.

CHARLES L. GLAZER, OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR.

DONALD Y. YAMAMOTO, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA.

FRANK BAXTER, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ORIENTAL REPUBLIC OF URUGUAY.

DEPARTMENT OF THE INTERIOR

ROBERT W. JOHNSON, OF NEVADA, TO BE COMMISSIONER OF RECLAMATION.

C. STEPHEN ALLRED, OF IDAHO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

MARY AMELIA BOMAR, OF PENNSYLVANIA, TO BE DIRECTOR OF THE NATIONAL PARK SERVICE.

DEPARTMENT OF TRANSPORTATION

CALVIN L. SCOVEL, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF TRANSPORTATION.

EXPORT-IMPORT BANK OF THE UNITED STATES

BIJAN RAFIEKIAN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 20, 2007.

DEPARTMENT OF JUSTICE

RODGER A. HEATON, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE CENTRAL DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. THERESA M. CASEY
COL. BYRON C. HEPBURN

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES A. BUNTYN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JOHNNY A. WEIDA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. LOYD S. UTTERBACK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. STEPHEN G. WOOD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RAYMOND E. JOHNS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT D. BISHOP, JR.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL JOSEPH ANDERSON
COLONEL ALLISON T. AYCOCK
COLONEL ROBERT B. BROWN
COLONEL EDWARD C. CARDON
COLONEL LYNN A. COLLYAR
COLONEL GENARO J. DELLAROCCO
COLONEL RICHARD T. ELLIS
COLONEL WILLIAM F. GRIMSLEY
COLONEL MICHAEL T. HARRISON, SR.
COLONEL DAVID R. HOGG
COLONEL REUBEN D. JONES
COLONEL STEPHEN R. LANZA
COLONEL MARY A. LEGERE
COLONEL MICHAEL S. LINNINGTON
COLONEL XAVIER P. LOBETO
COLONEL ROGER F. MATHEWS
COLONEL BRADLEY W. MAY
COLONEL JAMES C. MCCONVILLE
COLONEL PHILLIP E. MCGHEE
COLONEL JOHN R. MCMAHON
COLONEL JENNIFER L. NAPPER
COLONEL JAMES C. NIXON
COLONEL ROBERT D. OGG, JR.
COLONEL HECTOR E. PAGAN
COLONEL DAVID D PHILLIPS
COLONEL DAVID E. QUANTOCK
COLONEL MICHAEL S. REPASS
COLONEL BENNET S. SACOLICK
COLONEL JEFFREY G. SMITH, JR.
COLONEL THOMAS W. SPOEHR
COLONEL KURT J. STEIN
COLONEL FRANK D. TURNER III
COLONEL KEITH C. WALKER
COLONEL PERRY L. WIGGINS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. CARLA G. HAWLEY-BOWLAND

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JULIA A. KRAUS

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. RODNEY J. BARHAM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. MICHAEL A. KUEHR

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. BANTZ J. CRADDOCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. SIMEON G. TROMBITAS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT WILSON

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. STEPHEN J. HINES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL IN THE ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. DAN K. MC NEILL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH F. PETERSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES D. THURMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. PETER W. CHIARELLI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. CHARLES C. CAMPBELL

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RONALD S. COLEMAN

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MATTHEW L. NATHAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. WILLIAM A. BROWN
CAPT. KATHLEEN M. DUSSAULT
CAPT. STEVEN J. ROMANO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. JAMES G. STAVRIDIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) THOMAS R. CULLISON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. JANICE M. HAMBY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. STEVEN R. EASTBURG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. JOSEPH F. CAMPBELL
CAPT. THOMAS J. ECCLES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. MARK P. FITZGERALD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. EVAN M. CHANIK, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MICHAEL K. LOOSE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. KEVIN J. COSGRIFF

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN J. DONNELLY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MELVIN G. WILLIAMS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. PAUL S. STANLEY

DEPARTMENT OF JUSTICE

SHARON LYNN POTTER, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS.

DEBORAH JEAN JOHNSON RHODES, OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH RAYMOND A. BAILEY AND ENDING WITH ANDREW D. WOODROW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH RICHARD E. AARON AND ENDING WITH ERIC D. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH GARY J. CONNOR AND ENDING WITH MICHAEL T. WINGATE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH GARY J. CONNOR AND ENDING WITH EFREN E. RECTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH DENNIS R. HAYSE AND ENDING WITH JOHN W. WOLTZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2006.

AIR FORCE NOMINATION OF JAMES J. GALLAGHER TO BE COLONEL.

AIR FORCE NOMINATION OF NORMAN S. WEST TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF DAVID P. COLLETTE TO BE MAJOR.

AIR FORCE NOMINATION OF PAUL M. ROBERTS TO BE MAJOR.

AIR FORCE NOMINATION OF LISA D. MIHORA TO BE MAJOR.

AIR FORCE NOMINATION OF DAVID E. EDWARDS TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH MICHAEL D. BACKMAN AND ENDING WITH STAN G. COLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

AIR FORCE NOMINATION OF KEVIN BRACKIN TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH AMY K. BACHELOR AND ENDING WITH ANITA R. WOLFE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN G. BULICK, JR. AND ENDING WITH DONALD J. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH TIMOTHY A. ADAM AND ENDING WITH LOUIS V. ZUCCARELLO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH WADE B. ADAIR AND ENDING WITH RANDALL WEBB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH JAMES W. BARBER AND ENDING WITH STEVEN P. VANDEWALLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH DENNIS R. HAYSE AND ENDING WITH RODNEY PHOENIX, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 2006.

AIR FORCE NOMINATION OF RANDALL J. REED TO BE MAJOR.

AIR FORCE NOMINATION OF ANDREA R. GRIFFIN TO BE MAJOR.

AIR FORCE NOMINATION OF RUSSELL G. BOESTER TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH RUSSELL G. BOESTER AND ENDING WITH VLAD V. STANILA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2006.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH JOSSLYN L. ABERLE AND ENDING WITH FRANK H. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006

ARMY NOMINATIONS BEGINNING WITH TIMOTHY F. ABBOTT AND ENDING WITH X2566, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

ARMY NOMINATIONS BEGINNING WITH DARRYL K. AHNER AND ENDING WITH GUY C. YOUNGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

ARMY NOMINATIONS BEGINNING WITH ROBERT L. ABBOTT AND ENDING WITH X1943, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

ARMY NOMINATIONS BEGINNING WITH NAKEDA L. JACKSON AND ENDING WITH STEVEN R. TURNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

ARMY NOMINATIONS BEGINNING WITH LARRY W. APPLEWHITE AND ENDING WITH DENNIS H. MOON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

ARMY NOMINATION OF KATHERINE M. BROWN TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH JONATHAN E. CHENEY AND ENDING WITH JAMES S. NEWELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

ARMY NOMINATIONS BEGINNING WITH KEVIN P. BUSS AND ENDING WITH JILL S. VOGEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

ARMY NOMINATION OF JOHN PARSONS TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH PAGE S. ALBRO AND ENDING WITH JANET L. PROSSER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

ARMY NOMINATIONS BEGINNING WITH MICHAEL C. DOHERTY AND ENDING WITH NESTOR SOTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

ARMY NOMINATIONS BEGINNING WITH HEIDI P. TERRIO AND ENDING WITH JOHN H. WU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

ARMY NOMINATIONS BEGINNING WITH MICHAEL T. ABATE AND ENDING WITH X3541, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

ARMY NOMINATIONS BEGINNING WITH JAMES M. CAMP AND ENDING WITH CATHY E. LEPPIAHO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 2006.

ARMY NOMINATIONS BEGINNING WITH ROBERT J. ARNELL III AND ENDING WITH DAVID A. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 2006.

ARMY NOMINATIONS BEGINNING WITH JAMES M. FOGLEMILLER AND ENDING WITH TIMOTHY E. GOWEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 2006.

ARMY NOMINATION OF MICHAEL L. JONES TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH NEELAM CHARAIPOTRA AND ENDING WITH DOUGLAS POSEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 2006.

ARMY NOMINATION OF SANDRA E. ROPER TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH GARY W. ANDREWS AND ENDING WITH STEPHEN D. TABLEMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 2006.

ARMY NOMINATIONS BEGINNING WITH JOSEFINA T. GUERRERO AND ENDING WITH MARY ZACHARIAKURIAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 2006.

ARMY NOMINATION OF HERBERT B. HEAVNBER TO BE COLONEL.

ARMY NOMINATION OF PAUL P. KNETSCHE TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH CRAIG N. CARTER AND ENDING WITH MICHAEL E. FISHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 18, 2006.

ARMY NOMINATION OF LOUIS R. MACAREO TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH DONALD A. BLACK AND ENDING WITH JOSEPH O. STREFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 18, 2006.

ARMY NOMINATIONS BEGINNING WITH CAROL A. BOWEN AND ENDING WITH PAULA M. B. WOLFERT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 18, 2006.

ARMY NOMINATIONS BEGINNING WITH DIRETT C. ALFRED AND ENDING WITH MICHAEL YOUNGBLOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 18, 2006.

ARMY NOMINATIONS BEGINNING WITH KAREN E. ALTMAN AND ENDING WITH RUTH A. YERARDI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 18, 2006.

ARMY NOMINATIONS BEGINNING WITH ROBERT D. AKERSON AND ENDING WITH JEROME WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 18, 2006.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH PAUL S. SZWED AND ENDING WITH BRIGID M. PAVILONIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2006.

COAST GUARD NOMINATIONS BEGINNING WITH MARGARET A. BLOMME AND ENDING WITH RICKEY D. THOMAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2006.

COAST GUARD NOMINATIONS BEGINNING WITH MEREDITH L. AUSTIN AND ENDING WITH WERNER A. WINZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2006.

COAST GUARD NOMINATIONS BEGINNING WITH JOYCE E. AIVALOTIS AND ENDING WITH JOSE M. ZUNIGA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2006.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF DAVID M. REILLY TO BE MAJOR.

MARINE CORPS NOMINATION OF RAUL RIZZO TO BE MAJOR.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH TRACY A. BERGEN AND ENDING WITH DONALD R. WILKINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

NAVY NOMINATIONS BEGINNING WITH MICHAEL N. ABREU AND ENDING WITH ROBERT K. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

NAVY NOMINATIONS BEGINNING WITH CRISTAL B. CALER AND ENDING WITH KIMBERLY J. SCHULZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

NAVY NOMINATIONS BEGINNING WITH KEVIN L. ACHTERBERG AND ENDING WITH PETER A. WU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

NAVY NOMINATIONS BEGINNING WITH SCOTT R. BARRY AND ENDING WITH JEFFREY C. WOERTZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

NAVY NOMINATIONS BEGINNING WITH RUTH A. BATES AND ENDING WITH BRUCE G. WARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

NAVY NOMINATIONS BEGINNING WITH DARRYL C. ADAMS AND ENDING WITH RICHARD WESTHOFF III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

NAVY NOMINATIONS BEGINNING WITH ALFRED D. ANDERSON AND ENDING WITH MICHAEL R. YOHNKE, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

NAVY NOMINATIONS BEGINNING WITH HENRY C. ADAMS III AND ENDING WITH JOHN J. ZUHOWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 1, 2006.

NAVY NOMINATIONS BEGINNING WITH LORI J. CICCI AND ENDING WITH JOHN M. POAGE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2006.

NAVY NOMINATIONS BEGINNING WITH RYAN G. BATCHELOR AND ENDING WITH JASON T. YAUMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

NAVY NOMINATIONS BEGINNING WITH MARC A. ARAGON AND ENDING WITH ROBERT A. YEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

NAVY NOMINATIONS BEGINNING WITH MICHAEL J. BARRIERE AND ENDING WITH MICHAEL D. WAGNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

NAVY NOMINATIONS BEGINNING WITH JOHN A. ANDERSON AND ENDING WITH JAY A. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

NAVY NOMINATIONS BEGINNING WITH GERARD D. AVILA AND ENDING WITH EDDI L. WATSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

NAVY NOMINATIONS BEGINNING WITH RENE V. ABADESCO AND ENDING WITH MICHAEL W. F. YAWN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

NAVY NOMINATIONS BEGINNING WITH AMY L. BLEIDORN AND ENDING WITH MICAH A. WELTMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

NAVY NOMINATIONS BEGINNING WITH COREY B. BARKER AND ENDING WITH WILLIAM R. URBAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

NAVY NOMINATIONS BEGINNING WITH NATHANIEL A. BAILEY AND ENDING WITH MATTHEW C. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

NAVY NOMINATIONS BEGINNING WITH TRACY L. BLACKHOWELL AND ENDING WITH SEAN M. WOODSIDE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

NAVY NOMINATIONS BEGINNING WITH CHARLES J. ACKERKNECHT AND ENDING WITH JAMES G. ZOULIAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2006.

NAVY NOMINATIONS BEGINNING WITH DENNIS K. ANDREWS AND ENDING WITH RAYMOND M. SUMMERLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

NAVY NOMINATIONS BEGINNING WITH JAMES S. BROWN AND ENDING WITH WINFRED L. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

NAVY NOMINATIONS BEGINNING WITH LILLIAN A. ABUAN AND ENDING WITH KEVIN T. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

NAVY NOMINATIONS BEGINNING WITH ANDREAS C. ALFER AND ENDING WITH ALISON E. YERKEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

NAVY NOMINATIONS BEGINNING WITH MICHAEL J. ADAMS AND ENDING WITH HEATHER A. WATTS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

NAVY NOMINATIONS BEGINNING WITH EMILY Z. ALLEN AND ENDING WITH JOSEPH W. YATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

NAVY NOMINATIONS BEGINNING WITH KAREN L. ALEXANDER AND ENDING WITH JOHN W. ZUMWALT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

NAVY NOMINATIONS BEGINNING WITH ALEXANDER T. ABESS AND ENDING WITH LAURETTA A. ZIAJKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

NAVY NOMINATIONS BEGINNING WITH CHAD E. BETZ AND ENDING WITH TRACIE M. ZIELINSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2006.

NAVY NOMINATIONS BEGINNING WITH WANG S. OHM AND ENDING WITH VIKTORIA J. ROLFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 2006.

NAVY NOMINATIONS BEGINNING WITH ILIN CHUANG AND ENDING WITH WILLIAM P. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2006.