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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.

Eternal Lord God, our stronghold in times of trouble, bless today our Senators. Lord, 65 years ago, America experienced a day of infamy. As we remember Pearl Harbor, our hearts turn toward the men and women of our Armed Forces and their families. Thank You for their investment in freedom and their sacrifices for our liberties. Comfort those who mourn and those who bear the scars of battle. Be a companion to those who must stare at an empty chair during this holiday season. Defend those in harm's way with

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By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman.*

NOTICE

If the 109th Congress, 2d Session, adjourns sine die on or before December 15, 2006, a final issue of the *Congressional Record* for the 109th Congress, 2d Session, will be published on Wednesday, December 27, 2006, in order to permit Members to revise and extend their remarks.

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TRENT LOTT, *Chairman.*

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

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Your heavenly grace, and give them courage to face perils with trust in You. Give them a sense of Your abiding presence, wherever they may be.

We pray in Your sovereign 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.

EXECUTIVE SESSION

NOMINATION OF ANDREW VON ESCHENBACH TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the nomination of Andrew von Eschenbach, of Texas, which the clerk will report.

The legislative clerk read the nomination of Andrew von Eschenbach to be Commissioner of Food and Drugs, Department of Health and Human Services.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will vote on the motion to invoke cloture on the nomination of the FDA Commissioner, Andrew von Eschenbach. Senators can expect to have this vote around 10:30 to 10:45 this morning, following the 1 hour for debate. As I mentioned yesterday morning, this is a very important position, and to have this confirmation finally being accomplished will be a great achievement for this Congress.

Once cloture has been invoked, we will try to schedule that vote on confirmation early in the day. There are several critical items the Senate must act on before we adjourn sine die, and therefore Senators should adjust their travel plans to be here voting over the coming days.

I will be working with colleagues on both sides of the aisle to wrap up our business for the Congress, and I appreciate Senators' willingness to work together on a number of legislative and executive matters.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

MOVING THE LEGISLATIVE AGENDA

Mr. REID. Mr. President, Andrew von Eschenbach is cleared on this side, so as far as we are concerned there is no need for a cloture vote. We look forward to working with the distinguished majority leader today, maybe tomorrow, maybe Saturday, to try to get as much cooperation out of Senators as possible. I know the finance folks have worked long and hard to try to come up with something that is very important for the country. We will continue to monitor that and do everything we can as we try to move this legislative agenda forward.

PROTECTING AMERICAN VALUES

Mr. FRIST. Mr. President, I will be very brief. I want to speak on another matter. I know we want to get to the hour of pre-vote time here shortly.

Hopefully, tomorrow will officially end the 109th Congress. At the end of the day tomorrow, if we do our work today successfully, and tonight, the Senate will be able to adjourn. That will also mark, once we adjourn, this official change in leadership and change in the Senate agenda. I know many of my colleagues and many of my conservative allies view this change with a bit of trepidation, but change is good, change is constructive. It can be difficult, it can be painful, and it can be messy, but change forces us all to reexamine who we are, where we are, and where we want to go; what we know, what we believe.

I believe it is our responsibility to protect traditional, commonsense American values. I believe when we give the American people the freedom to invest their money as they choose, the economy is going to flourish. It is going to have more freedom to grow. At the end of the day, I believe good leaders don't talk about principles—don't talk about them—but good leaders lead on principle. They act, and they act with solutions, even if they don't know that the outcome is going to be 100-percent successful every time a bill is taken to the floor.

I think that is one of the things that at least I tried to do, is not say let's only take to the floor what will necessarily pass but what is the right thing to do, on principle; what is the right thing for us to be considering.

During my tenure in public office, it is what I tried to do, to lead on principle and act with solutions. It does come from that surgical approach of fixing things, of operating, of action.

For example . . . for 10 years, we grappled with the issue of Internet gambling. We watched the industry mushroom from a $30 million industry in 1996 to a $12 billion industry today. We watched an addiction undermine families, dash dreams, and fray the fabric of a moral society.

So we acted with a solution . . . by passing the Internet Gambling Prohibition and Enforcement Act to provide new enforcement tools to prosecute illegal Internet gambling.

Let me give you a few more recent examples of how we have led on principle, and acted with solutions.

We passed the Adam Walsh Child Protection and Safety Act . . . which creates a national sex offender registry, strengthens measures to prevent child pornography, and reinforces laws against child porn.

We passed the Trafficking Victims Protection Reauthorization Act, which renewed the first federal law to strengthen prosecution efforts against human traffickers.

We passed legislation securing the right to prayer in U.S. military academies.

We passed legislation protecting the Mount Soledad Memorial Cross.

We passed the Broadcast Decency Enforcement Act, which allows for the 10-fold increase of FCC fines for indecency violations.

We passed Cord blood legislation that harnesses the power of stem cells in cord blood to develop new cures for life-threatening diseases.

We passed the Fetus Farming Prohibition Act, which prohibits the gestation of fetal tissue in order to use it for research.

We passed the Stem Cell Research Alternatives bill, which provides federal funding for a variety of stem cell research that do not involve destroying human embryos.

And perhaps most notably . . . we confirmed John Roberts Chief Justice of the Supreme Court . . . and Samuel Alito as an associate Justice of the Supreme Court.

We confirmed 18 Circuit court nominees and 87 District court judges, including six previously obstructed nominees. America needs judges who are fair, independent, unbiased, and committed to equal justice under the law . . . and we made sure that's what America got.

Over the past 12 years, what Republicans have done has changed our economy, our country, and our way of life for the better.

Our record of success, combined with the lessons of November's election, ensures that our party will rededicate itself to serving the interests of America, both here at home and around the world.

That vision—optimistic, forward-looking, hopeful—will be grounded in the fundamentals of commonsense conservative values best found on Main Street and in families with whom we have the privilege of interacting all across the country.

The PRESIDENT pro tempore. Under the previous order, there will be 60 minutes for debate prior to the cloture vote, with time divided as follows: the Senator from Wyoming, Mr. ENZI, or his designee, 30 minutes; the Senator from Iowa, Mr. GRASSLEY, 20 minutes; the Senator from Louisiana, Mr. VITTER, 10 minutes.

Who yields time? The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I rise to discuss the pending nomination of Dr. Andrew von Eschenbach to be the Commissioner of Food and Drugs. The FDA has a very broad and critical mission in protecting our public health. The Commissioner of Food and Drugs is in

charge of an agency that regulates $1 trillion worth of products a year. The FDA ensures the safety and effectiveness of all drugs, biological products such as vaccines, medical devices, and animal drugs and feed. Let me repeat that: the safety and effectiveness of all drugs, biological products such as vaccines, medical devices, animal drugs and feed. It also oversees the safety of a vast variety of food products, as well as medical and consumer products including cosmetics.

As Commissioner of Food and Drugs, Dr. von Eschenbach would be responsible for advancing the public health by helping to speed innovations in its mission areas, and by helping the public get accurate, science-based information on medicines and food. Dr. von Eschenbach has a strong record. He is an accomplished scientist, a proven manager, and a man with a vision. He is also a cancer survivor, and he has brought that perspective, and the compassion that goes with it, to his Government service. He gave up a job he loved, a challenging but rewarding post directing the National Cancer Institute, to offer his service for what I believe is a much more challenging and definitely thankless job of leading the FDA.

The FDA has been without a confirmed Commissioner for all but 18 months of the last 5½ years. Have you ever seen a business that can run for 5½ years without a boss except for 18 months? And that was a tenuous 18 months. I believe we can all agree that we need a strong leader at the FDA now, and one who has a mandate to act. He needs full authority to bring back the morale of the Department and get the job done. We must be forward looking. There are many items before the FDA that require the immediate attention of an FDA Commissioner vested with full authority. But that authority flows directly from the act of Senate confirmation. Without a Senate-confirmed leader, we can't expect the FDA to be as effective as we need it to be. I urge my colleagues to consider this.

I know some of my colleagues on and off the committee are not completely satisfied with their interactions with the FDA during Dr. von Eschenbach's tenure. Some would urge that the Food and Drug Administration move quickly on certain matters before it. However, I am not sure that holding up a nomination over single products or single issues is the right way to achieve faster action and to ensure that agency processes are free from the pressure of politics. In fact, I strongly believe the opposite would occur. I think this is a position that has more Catch-22s than any other position in Government.

I do respect the right of my colleagues to disagree with the President's choice for this position or the policies a President's nominee might pursue. If our disagreements with the President's choice are so strong, we ought to vote against the nominee. But, in light of the trillion dollars worth of drugs and products overseen by the FDA and hundreds of drug approvals reviewed every year, I think we would be setting a dangerous precedent if any of us hold up the President's choice for FDA Commissioner over decisions made involving one product or one issue or something extraneous, even, to the Food and Drug Administration. It would be an especially dangerous precedent at this point.

We have a lot on our plate with respect to the FDA during the 110th Congress. We have to reauthorize both the drug and device user fee programs, address two expiring pediatric programs, and improve our drug safety system.

The FDA needs a leader with the backing and mandate that Senate confirmation provides in order to be our partner in these efforts. Dr. von Eschenbach has received significant support from the HELP Committee. This man could serve patients in many different ways, and has offered to serve them by running this critically important agency. I am talking about a doctor with cancer expertise, management expertise, and vision, who has agreed to run this agency at what we pay because he wants to give back to his country.

I urge my colleagues who are not on our committee to give Dr. von Eschenbach a chance to effectively run the FDA with full statutory authority, so I urge my colleagues to accept the President's nominee, Dr. Andrew von Eschenbach, and vote to confirm him as the next Commissioner of Food and Drugs. Voting yes on this cloture vote will be the first step voting on a permanent head to oversee our Nation's food and drug system.

I reserve the remainder of my time.

The PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, my opposition to the cloture motion is as much about whether we are going to be able to fulfill our constitutional responsibilities of oversight of the administrative branch of Government as it is about the particular qualifications of the nominee. I intend to vote against cloture and I hope that Democrats who are listening—particularly those Democrats in the last election who were bellyaching because there wasn't any oversight on the part of Republicans toward the executive branch of Government—would pay attention to the fact that this nominee has something to do with and is an illustration of the lack of cooperation on the part of the executive branch, failure to cooperate with Congress on the issue of congressional oversight.

I have serious concerns about what this cloture vote means, then, to congressional oversight of the executive branch now and in the future, and what it means for Members such as me, who placed a hold on this nominee. This was not a secret hold. I made this hold public.

I am voting against cloture and ask my colleagues to join me because I believe we need to send a message to the executive branch that it is not OK to impede congressional investigations. It is not OK to limit the Senate's access to documents, information, and employees of the executive branch. In his book on congressional government, Woodrow Wilson, before he was President, when he was a professor at Princeton, wrote, in 1885: ''Quite as important as lawmaking is vigilant oversight of the administration.''

Our work as lawmakers does not end with the passage of a bill. This body has a responsibility to the American people to make sure that laws work and that they are being implemented effectively, efficiently, and economically. Congressional oversight serves very important goals, and we should not lose sight. They include reviewing actions taken and regulations adopted by executive agencies to make sure that the agencies are executing law according to the intent of Congress, and, second, ensuring that the Federal Government is not wasting taxpayers' dollars. Oversight work allows us to evaluate the ability of agencies and managers to carry out program objectives and improve the efficiency, effectiveness, and economy of Government programs; next, ensuring that executive policies reflect the public interest and that public interest is expressed in the laws of Congress; and, lastly, protecting the rights and liberties of the American people.

Woodrow Wilson also said in his book that:

> It is the proper duty of a representative body to look diligently into every affair of Government and to talk much about what it sees. It is meant to be the eyes, the voice and embody the wisdom and the will of its constituents.

In America, with our Government, the public's business ought to be public. But when you have coverups and the lack of information going to Congress, as demonstrated by this request for documents, and when we get a document back with practically 57 pages removed, what is in those 57 pages that we ought to have access to? That is just one example of lack of information and the lack of cooperation from this agency.

Throughout history, Congress has engaged in oversight of the executive branch. The right to congressional oversight has been asserted from the earliest days of our Republic. In 1792, the House invoked its authority to conduct oversight when it appointed a committee to investigate the defeat of General St. Clair and his Army by Indians in the Northwest and empowered the ''call for such persons, papers, and records as may be necessary'' for that inquiry.

In fact, the Constitution grants Congress extensive authority to oversee and investigate executive branch activities.

Congressional oversight was also recognized explicitly in the passage of the Legislative Reorganization Act of 1946,

which required the standing committees of Congress to exercise continuous watchfulness over programs of agencies in their jurisdiction. Numerous Supreme Court decisions will support all the precedents for Congress to see all aspects of the Federal Government.

In 1927, in McGrain v. Daugherty, the Supreme Court upheld congressional authority to conduct oversight of the Teapot Dome scandal. Justice Van Devanter writing for the unanimous Court stated:

> We are of the opinion that the power of inquiry with the process to enforce it is an essential and appropriate auxiliary to the legislative function.

To do oversight, Congress needs access to information and people in the executive branch. And that is what I did not, and still may not, be getting from the FDA under the leadership of Dr. Von Eschenbach—as an example, 47 pages removed; another example, 43 pages removed.

How are you going to conduct oversight when you get answers such as that from the Food and Drug Administration?

I take exception to the statement made in support of the cloture motion. People ought to be ashamed of saying Dr. Andrew von Eschenbach has done a superb job in the position he is currently occupying with an answer such as that to the Congress of the United States. That is an insult. Before you cast your vote in favor of cloture, consider what is at stake—and particularly Members on the other side of the aisle who, during the campaign, in campaign commercial after campaign commercial after campaign commercial, said Congress is not doing its job of oversight, implying that Republicans were covering up wrongdoing by the administration. If you want to preserve your access to information and do the oversight that you think you are going to do, when you are in the majority and you get answers such as that, do you think you are going to be able to do the job of oversight?

In my interactions with the Department of Health and Human Services and the FDA these last 8 months, I have seen a complete and utter disrespect for congressional authority and hence the law. The department and the Food and Drug Administration have repeatedly failed to act in good faith in responding to congressional investigations—and the lack of 43 pages is just one example.

Although the Director's leadership at the FDA has failed to fully comply with two congressional subpoenas that were issued 7 months ago, efforts to accommodate the agency's concerns fall on deaf ears, and I wonder if I am dealing with dysfunction by design. Not only has the NEDA withheld documents that do not appear to be privileged, but it also says what has been withheld and why. The subpoenas compel a privilege log, but the FDA has not provided us with that privilege log.

For Democrats in the majority next year doing the oversight that they said they were going to do because Republicans weren't doing it—they didn't let me—let me ask you this: Are you going to be able to conduct oversight when you get answers such as that? Are you going to be able to conduct oversight when, for 7 months, you don't get your subpoenas responded to? What is the agency's explanation? The FDA has said that many documents have been withheld, that it is unduly burdensome to provide a privilege log. Even in the FDA, general counsel, as recently as Tuesday of this week, could not see why the agency needed to comply with the law and the terms of the subpoena which was issued by the committee.

In denying the committee access to the documents responsive to the subpoena, which the department and the FDA administration have claimed ''prosecutorial deliberative process'' or ''confidential communications'' or ''agency prerogatives'' to determine who will be interviewed and testify before a jurisdictional committee, when those on the other side of the aisle get answers such as that when you are going to be in the majority, what are you going to do about it? Are you going to keep your commitment to the American people when you won the majority? And are you going to be able to do the oversight when you get rationales such as ''prosecutorial deliberative process'' or ''confidential communications'' or ''agency prerogatives?''

I could not talk to a line agent named West because you can't talk to line agents, when 3 months before I talked to line agents? There was someone from the Justice Department before the Judiciary Committee, when Senator KENNEDY said, ''I want access to line agents,'' unrelated to what I am talking about: Line Agent West, whom I wanted to talk to and I was told I couldn't talk to because you can't talk to line agents, the official at the Justice Department said to Senator KENNEDY:

> You can talk to line agents. We will get them for you.

I do not know whether that ever happened. But that was the answer.

When I went around doing my questioning of Justice Department officials, I said: What about my ability to talk to Line Agent West? It just seemed as if I was going to be able to talk to Line Agent West. But yet this very day the Justice Department is advising the Secretary of the Interior that we can't talk to Line Agent West, which is key to whether some of these investigations are allowing dangerous drugs on the market. In Cedar Rapids, IA, I have a family that lost an 18-year-old because of a drug that was on the market then and which is not on the market now.

It seems to me that if you are concerned about the safety of drugs, this information is important, and if you are going to have it covered up in the FDA, you aren't protecting the public. If Congress knows about it, you are not doing your job of oversight.

This past summer I asked the Congressional Research Service to look into the department's policies regarding this matter. And the Congressional Research Service told me that there is ''no legal basis'' for the department's executive branch assertion. The legal analysis provided by Congressional Research Service supports the committee's position that these executive agencies' claims have been consistently rejected and compliance with congressional requests in the past has been forthcoming. The CRS cites numerous court cases which establish and support Congress's power to engage in oversight and investigate activities and its access to executive branch personnel and documents in carrying out our powers of oversight.

The Department of Health and Human Services, the FDA within Health and Human Services, says it has been responsive because the agency made available hundreds of thousands—even millions—of pages of documents to the Finance Committee in response to its subpoena. But the agency can give me all of the books and all the documents housed at the Library of Congress and it won't matter if it is not what I have asked for and the pages are removed.

It is this type of cooperation that I am getting under this Director that you are now going to confirm. I am very concerned about the cooperation, if any, that we have once he becomes a permanent commissioner. Every Member of Congress should be equally concerned if they take their constitutional duty of conducting oversight of the executive branch seriously, and most importantly to the new majority when you are going to carry out your campaign promises to make sure that there is proper oversight, checks and balances against an executive branch of Government you think is exceeding authority. Every Member should be concerned. I cannot emphasis this enough.

A vote for cloture today is a vote against oversight, and that is not what this Senate should be doing. It is not what the American people sent us here to do. We need to step up congressional oversight to protect our Nation's system of checks and balances and not reward those who seek to impede our constitutional authority.

This body should not walk hand in hand with the executive branch and sit idly by as instances of abuse and fraud continue to endanger the health and safety of American people. This Senate needs to make it clear to the executive branch that Congress takes its oversight responsibilities seriously and to vote against cloture. If we do have cloture, I will have other remarks during postcloture debate.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Wyoming.

Mr. ENZI. Madam President, I want to briefly comment.

I understand the frustration. I have been working with him trying to get documents, trying to get the interview

with Mr. West. I want you to put yourself in Dr. Von Eschenbach's position. He has not been confirmed. He does not have the full authority to run that department. So what he has to do is rely on the Department of Justice, as the Senator mentioned. The Department of Justice tells him what he is supposed to do. I don't think he has authority to go beyond what the Department of Justice says.

The Senator is one of the most diligent Members to hold oversight hearings of anybody that I know. I appreciate the depth that you go to for individuals as well as groups. I know it is what you are doing on this one. Unless we give him full authority, he has to rely on the Justice Department. The way one has to take on the Department of Justice is through the Judiciary Committee and bring them to task for giving him that kind of advice. I think he is just following the advice he has gotten from those he has to rely on until he has authority. I think it will be different when he has full authority.

I yield 2 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, during my time of almost 7 years as chairman of the Appropriations Committee, I have met with Dr. Von Eschenbach quite often. We had many requests for documents. I can't remember once that he refused. But beyond that, I came to the floor today to say that I have gotten to know Dr. Von Eschenbach personally, and I can't think of a more qualified man at this time to be confirmed to this position. I hope the Senate will vote cloture and we will confirm Dr. Andrew von Eschenbach as requested by the President. I thank the Chair.

Mr. ENZI. Madam President, I yield 10 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I thank Senator ENZI for giving me this time. I am pleased to rise to support Dr. Andrew von Eschenbach's nomination for Commissioner of the Food and Drug Administration. I am speaking about a person whom I know. I know him as a person. I know him as a human being. I can say, with full confidence, there is no one more qualified and more well suited to lead this very important agency.

I was very pleased the committee overwhelmingly, unanimously, supported his nomination. Not only is Dr. Von Eschenbach a wonderful friend of mine, but he is so qualified for this position. His experience and integrity make him the right choice to lead the FDA.

He is a nationally recognized urologic surgeon, medical educator, and cancer advocate. He is a three-time cancer survivor. There is no one who can understand what it is like to go through a fight against cancer than someone who has done it. So many doctors haven't had that experience, one might not get the impression that they really understand what a patient is going through. Not Dr. Andy von Eschenbach. He has been through the hard time of being told he has this dreaded disease and fighting it with all his might. He does relate to patients' struggles.

During his 25 years at the University of Texas M.D. Anderson Medical Center, he led a faculty of 1,000 cancer researchers and clinicians. He was the chief academic officer at this great cancer institution. He was also the founding director of M.D. Anderson's Prostate Cancer Research Program. In this position, he developed integrated programs to study, treat, and prevent prostate cancer. Before arriving at M.D. Anderson, he served his country as lieutenant commander in the U.S. Navy Medical Corps from 1968 to 1971. In 1976, he joined M.D. Anderson as a urologic oncology fellow. He became part of the faculty and was named chairman of the Department of Urology in 1983.

When he left M.D. Anderson in 2002, he became Director of the National Cancer Institute. At the time, he was president-elect of the American Cancer Society which, of course, is one of the leading organizations in our country that fights for victims of cancer.

He has, also, been published in more than 200 publications. This year, Time Magazine named Andy von Eschenbach as one of the 100 people who shape our world.

The FDA is fortunate to have Dr. von Eschenbach. It is one of the Nation's oldest and most respected consumer protection agencies. It regulates $1 trillion worth of products available to American consumers, and it makes sure the products are safe and effective.

Dr. Von Eschenbach is the right person to lead the FDA's mission. I completely trust him. I cannot think of a more qualified candidate. I hope we will put politics aside in this very important nomination and we will confirm this very qualified individual. He is balanced. He has good judgment. He will continue to be a cancer advocate as well as a patient advocate.

He knows, also, from the FDA standpoint, of the issues involved with the drug approval process—that products face extensive testing and studies compared to other countries. I have talked to him about this. Of course, their first and foremost responsibility is safety. That is why they have this arduous and comprehensive process of approving drugs.

On the other hand, he also knows you need to make drugs available for patients who otherwise may not survive. He realizes these concerns from every angle. He knows it from the research angle, from the academic angle, from the Government angle, and from the patient advocate angle.

It would be a tragedy if we did not give him the full authority and the full congressional confirmation he deserves. He deserves it because he left the private sector at a world renowned cancer research institution to serve his country and the responsibility it takes in a high public policy position.

Sometimes I wonder how we attract such qualified academics and people who are not experienced in this arena. They are not used to the compromise of politics. They have been researchers and in academia all their lives. They come into public service and all of a sudden they are hit with the public exposure and scrutiny. Sometimes they are unfairly characterized in a way they never dreamed.

Yet we have someone of the caliber of Andy von Eschenbach willing to take all of that to do something better for our country and for cancer patients in the country and in the world. We owe him the ability to have this position without any further delay, with the complete imprimatur of the Senate as well as the President of the United States. He deserves it.

I hope our colleagues will look at this, not from a political prism but from the standpoint of a qualified individual who is trying to help medical research and safety in this country go forward, who is a patient advocate, first and foremost.

I thank Senator ENZI and Senator KENNEDY for working together to bring this nomination to the Senate. We should have a bipartisan vote in confirming Dr. Andrew von Eschenbach.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I rise today to speak against the cloture motion to confirm Dr. Andrew von Eschenbach as Commissioner of the FDA. I have had a public hold on this nomination and have been very upfront about it. Because my serious concerns have not been addressed in any significant way, I will vote against cloture. If cloture is invoked, I will vote against the nomination.

In doing so, I want to be clear I have nothing against Dr. Von Eschenbach's technical credentials or professional experience. They are very impressive in many ways. I strongly object to this nomination because the FDA and Dr. Von Eschenbach, acting on orders from the administration, has had a complete and utter lack of action creating a reasonable, safe system for reimportation of prescription drugs from Canada and elsewhere.

Clearly, this nomination making him the permanent head of the FDA will only further delay that reasonable implementation of a good, safe reimportation policy. In fact, at my extensive meeting with Dr. Von Eschenbach, my discussion with him made that perfectly clear. I give him credit, I suppose, for being very direct about that, although I am not sure he fully understood my serious interest in reimportation. It is for this reason I will vote against cloture. If cloture is invoked, I will vote against the nomination.

The FDA is completely capable of setting up a reimportation system, one that is safe and effective. The FDA can do this. It is not a matter of technical ability. We have great technical and other resources in this country. It is a matter of political will. At any time, the FDA could act and set up this safe and reasonable system.

My hold on this nomination, as I said, was very public, upfront, and clear. I made it clear I would lift it, contingent on a very simple request to implement some sort of prescription drug reimportation plan—perhaps beginning with personal reimportation from Canada, including Internet and mail order sales. The FDA could do this. It is fully capable of doing this. It has the know-how to do this. It simply will not because of lack of political will.

The need for this is very obvious to me. Every time I talk to consumers in Louisiana, particularly seniors, it becomes more and more obvious. As obvious and as important is the growing support for this—not just out in the country where that support has always been strong but in the Congress, in the Senate, in the House.

The House passed comprehensive drug reimportation language in 2003. It passed it by an overwhelming majority. More recently, the Senate passed my amendment coauthored by Senator BILL NELSON of Florida by a vote of 68 to 32. That was this past July. That was a significant breakthrough because it was the first time we had a meaningful, straight up-or-down vote on a reimportation issue in the Senate. Again, the vote was clear. It was overwhelming. That important amendment passed 68 to 32.

All this shows that the majority of Americans strongly support allowing all Americans to purchase safe, cheaper prescription drugs from Canada and elsewhere. Yet the administration absolutely refuses to budge. Not only does the administration refuse to budge, it even went so far as to quietly implement a new policy last year at U.S. Customs and Border Protection to go after individual American citizens crossing back into the United States from other countries—mostly Canada—with medicine, actually seizing their packages containing legal medication at those border checkpoints. That is a very high-handed policy, when these citizens are doing nothing but trying to get absolutely necessary prescription drugs at a reasonable cost.

Coupled with the FDA and the administration's stubborn reluctance to implement even the most modern program, this has led me to conclude that no change would be made with the confirmation of this nominee.

Again, this is an issue of utmost importance to every American family and, of course, it particularly impacts seniors. I talk to affected families and affected seniors in Louisiana about this all the time. They tell me, at a time when pharmaceutical companies are making record profits, the costs of prescription drugs are still skyrocketing and the very same medicines usually manufactured by the very same companies are sold at a fraction of the costs a few miles north of the border in Canada or in other countries around the world. Louisianians see that and they are very skeptical. They should be. I share that attitude. I share that skepticism.

Opposing the right of an American to buy prescription drugs, FDA-approved medication they intend to use for themselves, is a wrong policy. We pay the highest prices in the world for prescription drugs in America. Our prices subsidize not only rockbottom prices in almost every other country but also sky-high and escalating profits of the pharmaceutical companies. That is not fair. That should not be allowed to continue. That is why we need to pass this important policy of reimportation.

Many of my colleagues have spoken about this significant issue in the Senate.

In September, my colleague from Michigan spoke of her bus trips with her constituents to Canada where they were able to buy safe, FDA-approved drugs at a fraction of the U.S. cost: Lipitor, a very important cholesterol-lowering drug, for 40 percent less; Prevacid, an ulcer medication, for 50 percent less; antidepression medications such as Zyprexa for 70 percent less.

In June, my colleague from North Dakota spoke eloquently about the need to allow the reimportation of safe drugs as a way to pressure U.S. pharmaceutical companies to lower prices here. That is the key, not just offering this option of cheaper drugs from another source but breaking up the present system that allows companies to charge dramatically different prices for the same drug around the world. And, of course, the highest prices in the world by far are right here in the United States. That system will not be able to withstand reimportation. That system will fall with reimportation.

So that is why I continue this fight. That is why it is so important. Although certainly this nominee may very well be confirmed by the Senate today, I am very optimistic that, as we make progress on this issue, we march to a very certain victory, probably next year, on the issue.

Again, we have been making steady progress. My amendment this past summer—the first vote on the floor of the Senate—was a breakthrough vote that showed overwhelming support here on the floor of the Senate for reimportation. Previous House votes, similarly, showed not just majority support, overwhelming support for this change in policy. Just recently, I again joined with Senator BILL NELSON of Florida to put up another important amendment to the Agriculture appropriations bill that would go a step further. We will continue to pursue that. Then, next year, I fully expect a full-blown reimportation plan to be here on the floor of the Senate for a full debate and a fair vote.

So as I oppose cloture, as I oppose this nomination, I do so in that spirit and with real optimism that we are not only making progress, but we will, in fact, win on this issue in the near future. Next year, I expect my bill to be fully debated. In this Congress, that bill is S. 109, the Pharmaceutical Market Access Act. I believe it will reach the floor and will get a full debate with other significant bills on the issue next year.

I look forward to that continued progress. I look forward to that ultimate victory because Americans, particularly seniors, all across our country, including in Louisiana, need this very important relief. We can give them this relief in a safe, reliable way to dramatically bring down prescription drug prices.

With that, I yield back the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Wyoming.

Mr. ENZI. Mr. President, I wish to acknowledge the intense, enthusiastic, and persistent work of the Senator from Louisiana, Mr. VITTER, for drug importation. I do not know that I have seen anybody lead as much on an issue or work as hard on an issue. Around here, that is a talent which is very much appreciated.

I do want to mention that, again, Dr. Von Eschenbach has not been confirmed, so he does not have full authority to run the Department or to do what he would like to do or might need to do. He has to rely on the advice of other people, particularly until he is confirmed. After that, even then, he will have to abide by the laws.

I would point out that drug importation is illegal right now, and it is Congress, not the FDA, that has determined that. So until we change the law, until we do some or all of the things the Senator from Louisiana is suggesting, Dr. Von Eschenbach would really be stepping out of bounds to do drug importation. So I hope we do not hold that against him or hold up his nomination for that reason. We should hold him accountable for what is within his control, but urge him to work with Congress.

I have had dozens of meetings with him on a variety of issues, as Senators have brought them up. Most of them have been resolved. Those within the law, those the Department of Justice has not contested, have been resolved.

Mr. VITTER. Will the Senator yield very briefly?

Mr. ENZI. Yes.

Mr. VITTER. Just very briefly, first of all, I appreciate your kind comments. Very briefly, my comments regarding his and FDA's ability to move forward on this is based on current law, including the Medicare Modernization Act, which says that if they institute a safety regime and certify the safety of these drugs, they can, in fact, move forward with the reimportation regime.

So under present law, that is possible, and that is what I was referring to. But I respect the Senator's point of view.

Mr. ENZI. I appreciate that comment. If you were a person who was in a catch-22 position, a very qualified doctor, and you really wanted to do a good job with FDA and you knew that half the people or a third of the people or even 10 percent of the people did not want drug importation and you were the guy in charge of maybe making this determination for the first time—even though 6 or 8 years previously Congress had opposite opinions on it—I do not think you would want to put yourself in that position.

He has just had a number of catch-22 positions where he can irritate half or more of us by making a decision, and nobody is going to make a decision in their confirmation process that way.

It is actually the Health and Human Services Secretary who has to certify under the new law as well.

So I hope we can get him confirmed and then do the kind of oversight we need to do to make sure he does everything that is possible to make sure we have safe food and drugs.

Mr. President, I yield up to 10 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I did not plan to talk about drug reimportation, but coming on the heels of this conversation, I simply want to make this one observation: The key statement made by the Senator from Louisiana was safe drug reimportation. And the key problem here is certifying that the drugs coming across the border—after they have been sent and then are reimported are, in fact, the same drugs, they are, in fact, safe.

The Congress has said the drugs can be reimported back into the United States as soon as the Secretary can certify that they are, in fact, safe. I have seen the sample runs, if you will, that have been made on this issue. They have found again and again that a certain percentage of the drugs coming back are, in fact, not drugs manufactured in the United States. They have been manufactured elsewhere, packaged in Canada or Mexico or wherever, and then sent back to the United States fraudulently, as if they were, in fact, the original drugs.

Now, they have not yet killed anybody that I know of. They are not so unsafe that they have, in fact, poisoned anybody. Overwhelmingly, the history has been that the dosage in the drugs is simply not the same as advertised in the drugs manufactured in the United States. They have traces of whatever the drug might be in the fraudulent packages, but the dose control is not the same, and it is dangerous to the individual taking the drug if he or she assumes they are getting a certain dosage and, in fact, they are getting less.

That has been the challenge. That has been the problem. And until the Secretary of HHS, be it Donna Shalala or Michael Leavitt, can come forward and certify that all of these are, in fact, as advertised, it is the law that they cannot be brought into the United States. I think that is an appropriate law protecting people in the United States.

I agree with the Senator from Wyoming that it really is not appropriate to hold up Dr. Von Eschenbach's confirmation on this issue because it has to be decided by the scientists and those who are doing the sampling of the shipments rather than the head of the FDA.

I have gotten to know Dr. Von Eschenbach as the chairman of the Agriculture Appropriations Subcommittee. You usually think of agricultural appropriations in terms of crop supports and USDA activities. But for whatever reason, in its wisdom, Congress at one point put jurisdiction over the Food and Drug Administration into that subcommittee. So, if you will, I have been in the position of dealing with this man as he has come begging.

As we are in the Appropriations subcommittees, everybody who has responsibility over which we have control comes begging; that is, they come asking for things, they come outlining their position, and they come describing what they will do with the money. All of us who have been on the Appropriations Committee have had this experience with a wide variety of people from the executive branch. I have never seen anyone who has come before our subcommittee better prepared, with a better understanding of how the money will be spent, and with more vision as to where the money ought to be spent to take the agency into the future than Dr. Von Eschenbach.

We have not just sat and discussed budget issues; we have not just sat and talked about dollars and cents—what are you going to spend here and what are you going to spend there—he has outlined for me in our conversations where he thinks the FDA of the future ought to be and what it will cost to get it there.

I have been very struck and impressed by his vision for the FDA. This is not a man who is content to simply superintend what he has on his plate. This is a man who has the capacity to look to the horizon, and maybe even over the horizon, to see where America ought to be.

In the practice of medicine right now, drug therapy is the cutting edge. Yes, we are developing new operations. We are developing new surgical procedures to try to push the envelope out further as far as health care is concerned. But the major breakthroughs are coming through drug therapy. There are all kinds of situations now where it can be handled with drug therapy that obviates the need for an operation or any kind of surgical intrusion. The implications of that are huge, and the role of the FDA in that kind of medical revolution of the future is paramount. We absolutely have to have at the head of the FDA, in that kind of revolution, a man who is visionary, a man who looks to the future, and a man who understands the potential that lies in the area which he superintends.

Dr. Von Eschenbach, I am convinced, is such a man. I have his resume. We have heard it outlined here. It is an outstanding resume. But people with good resumes can come before us all the time and, in fact, have no vision. They spend their time tending what is on their own plate. This is a man with vision. This is a man who sees what can happen and who desperately wants to take the FDA in that direction.

He said to me: Senator, I don't feel that I can institute these kinds of long-term changes as long as I am acting. I feel—I think appropriately, from my point of view—that I cannot make these kinds of structural changes in FDA's mission and direction until I have the imprimatur of the U.S. Senate and full confirmation.

The longer we hold up his nomination, the longer we keep him from being confirmed, the longer we will wait for that kind of vision to be established in that agency. I think we have waited too long. I salute the majority leader for his persistence in bringing this nomination to the floor. At this time, with all the other things we have to do before this Congress comes to an end, this is one he could easily have put off. I am grateful that he did not. I am grateful that he filed a cloture motion to hold our feet to the fire on this one and say: It is time for us to act. It is time for us to give this man the imprimatur of our confirmation vote so he can move forward, he can infuse the agency with the kind of vision and excitement that I know he has.

I have spent enough time with him, I have had enough conversation with him—have talked to his peers outside of the agency to know that the President has made an outstanding choice in Dr. Von Eschenbach. We as a country would be well served to have him in this place, and I urge the Senate to invoke cloture and confirm this nomination as quickly as we possibly can.

Mr. HATCH. Mr. President, to me it is simply unconscionable that the Food and Drug Administration, one of the best little agencies in Government, has gone leaderless for such a period of time.

Here we have an agency that governs, by some estimates, 25 cents out of every consumer dollar, and yet we treat it as a stepchild. We do not provide it with the funding it needs. We allow it to exist without a confirmed commissioner for months and months on end, for repeated periods. And yet we expect it to be the vital consumer watchdog agency it was intended to be.

When you think about what this agency does, what the daily business of the FDA is, you can see how dire the situation really is.

This is an agency that makes certain the drugs and medical devices we use

are safe and effective, that the cosmetics, dietary supplements, and over-the-counter medications we count on are sold safely, with truthful and nonmisleading claims. This agency regulates animal drugs and radiological devices and so much more. Yet, time after time, it does without a confirmed commissioner. And this is the absolutely wrong time for that to happen.

Think about the key FDA issues we are facing: the safety of the food supply, how to improve drug safety, instituting a new system of mandatory adverse event reporting for serious events associated with the use of dietary supplements and nonprescription drugs, extending the user fee programs for drugs and devices, and the incentives for pediatric drug testing—and I have named only a few of the issues. We are facing all these pressing public policy issues, and yet we expect the agency to do its job without a confirmed commissioner. That is not right. It is simply not right.

The President has nominated a well-qualified, more-than-capable medical doctor to the position of Commissioner of Food and Drugs.

I know Dr. Von Eschenbach well. He is a man of integrity. He is a good manager. He is a good listener. He knows the importance of working well with Congress, and I believe he will work well with us.

I urge my colleagues—no, I implore my colleagues—to do what is right and vote to invoke cloture on this nomination. It is what Dr. Von Eschenbach deserves. It is what the agency deserves. And it is what the American people deserve.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Utah for his delightful comments. He speaks so clearly and explains things so well. I know of his contacts with Dr. Von Eschenbach. I hope people will follow his advice and vote for cloture.

Dr. Von Eschenbach's qualifications are excellent. He is supported by many organizations. We had received a number of letters in support of his nomination prior to his confirmation hearing. Those were duly entered in the hearing record. However, since then we have received additional letters of support.

I ask unanimous consent that those letters be printed in the RECORD.

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

OMERIS,
Columbus, OH, August 2, 2006.

Hon. MICHAEL B. ENZI,
Chairman, Committee on Health, Education, Labor and Pensions, Dirksen Senate Office Building, Washington, DC.

Hon. EDWARD M. KENNEDY,
Ranking Member, Committee on Health, Education, Labor and Pensions, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN ENZI: On behalf of Omeris, Ohio's bioscience membership and development organization, and our member companies, I am writing in support of the nomination of Dr. Andrew von Eschenbach to be Commissioner of the Food and Drug Administration.

Dr. von Eschenbach is an excellent choice to head the FDA. He has an outstanding career as a physician, researcher, and administrator in both the public and the private sectors. As a physician, he has treated cancer patients for almost thirty years. As a researcher, he has published more than 200 articles and books and was the founding director of M.D. Anderson's Prostate Cancer Research Program. As an administrator, he has served as the president-elect to the American Cancer Society.

It is critically important to our industry and to the nation that the position of the FDA Commissioner be filled. Strong leadership is essential if the FDA is to most effectively fulfill its mission of assuring the food Americans eat is safe and healthful, that the drugs they take are safe and effective, and that the medical devices they rely on for cures and treatment are safe and effective and represent the latest and best that our industry can offer. Experience has shown that a permanent director continued by the Senate is necessary to assure that the agency has the authoritative leadcrship it needs to respond promptly and effectively to all the challenges it faces.

Prompt confirmation of Dr. von Eschenbach is especially important in view of the issues that are currently facing the FDA. Next year, both the medical device and drug user fee programs must be renewed by Congress, and the agreements between industry and the FDA that will be the starting point for the reauthorization are being negotiated right now. The critical path initiative, which offers so much potential for speeding the development and approval of safe and effective products) is just getting off the ground and needs a strong advocate. The challenge of determining how FDA can most effectively conduct postmarket surveillance to assure the safety and effectiveness of approved products is an issue that needs strong leadership from the top. The continuing challenges of food safety and preparation for a pandemic or bioterrorist attack need a strong FDA voice.

Omeris members, Ohio's bioscience companies, help revitalize our state's economy while developing critical tools, treatments, and technologies that benefit the world. Omeris is a focal point for the bioscience and biotechnology community, providing networking and educational events, continually developing web-based resources, addressing public policy, and analyzing resource and funding issues.

We respectfully urge you to support Dr. von Eschenbach's prompt confirmation. Thank you for considering this request.

Sincerely,

ANTHONY J. DENNIS,
President & CEO.

NEW YORK STATE
CANCER PROGRAMS ASSOCIATION, INC.,
Buffalo, NY, August 3, 2006.

To: Senate Health, Education, Labor and Pensions Committee.

From: Dr. Edwin A. Mirand, Secretary-Treasurer, NYSCPA.

Subject: Nomination of Dr. Andrew von Eschenbach as Permanent Commissioner of Food and Drug Administration.

The New York State Cancer Program Association, Inc. supports the nomination by President Bush as permanent Commissioner of Food and Drug Administration (FDA) Dr. Andrew von Eschenbach.

Dr. von Eschenbach's experience as a researcher and physician will provide the FDA with a better focus to confront the challenges and new opportunities facing the agency. Dr. von Eschenbach will lead the agency and strengthen the credibility of its decision-making process.

EDWIN A. MIRAND,
Secretary.

THE AMYOTROPHIC LATERAL
SCLEROSIS ASSOCIATION,
Washington, DC, July 24, 2006.

Hon. MICHAEL ENZI,
Chairman, Health, Education, Labor and Pensions Committee, U.S. Senate, Washington, DC.

Hon. EDWARD KENNEDY,
Ranking Member, Health, Education, Labor and Pensions Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN ENZI AND RANKING MEMBER KENNEDY: The ALS Association strongly supports the nomination of Andrew von Eschenbach, M.D., to be Commissioner of the Food and Drug Administration and we urge the Committee to favorably report the nomination to the full Senate.

The ALS Association is the only national voluntary health association dedicated solely to the fight against Amyotrophic Lateral Sclerosis (ALS), more commonly known as Lou Gehrig's disease. Our mission is to improve the quality of life for those living with ALS and to discover a treatment and cure for this deadly disease.

We believe that strong leadership at the FDA is essential so that the Agency can fulfill its mission and not only ensure that drugs and medical devices are safe and effective, but also that people have timely access to the latest medical technologies. This is especially important for people with ALS, for there is no known cause or cure for ALS, and only one drug available to treat the disease. That drug, approved by the FDA in 1995, provides only modest benefits, prolonging life by just a few months.

Dr. von Eschenbach would provide the vital leadership that is needed at the FDA. Moreover, his diverse background as a physician, educator and advocate will be a tremendous asset to the Agency and to the Nation, for he can view the Agency's mission from many different perspectives and help to foster the collaboration that is so important to advancing medical science and quality health care.

The ALS Association is pleased to offer our strong support for this nomination and again urge the Committee and the Senate to support Dr. von Eschenbach as the next Commissioner of the Food and Drug Administration.

Sincerely,

STEVE GIBSON,
Vice President,
Government Relations and Public Affairs.

CANCER CURE COALITION,
Palm Beach Gardens, FL, August 25, 2006.

Senator MICHAEL B. ENZI,
Chairman, U.S. Senate Committee on Health, Education, Labor and Pensions, Washington, DC.

DEAR SENATOR ENZI: The Cancer Cure Coalition is supporting the nomination of Dr. Andrew VonEschenbach as commissioner of the U.S. Food and Drug Administration and we have today issued a press release announcing our support. Attached is a letter from the coalition to Dr. VonEschenbach which gives the reasons for our support.

The Cancer Cure Coalition supports changes at the FDA which will improve its operation. We believe the appointment of Dr. VonEschenbach will lead to that result. If it would help your committee in its decision on Dr. VonEschenbach's appointment I would be pleased to appear before the committee to testify. My bio appears on the Cancer Cure Coalition's website

www.cancercurecoalition.org and I am attaching a copy of it for you to review.

If you need any further information please feel free to contact me.

Sincerely,

CHARLES A. REINWALD,
President.

Mr. ENZI. Those letters are from Omeris, Ohio's bioscience membership and development organization; the New York State Cancer Association; the ALS Association; the Cancer Cure Coalition, and there are others. These groups recognize the absolute necessity of having a Senate-confirmed Commissioner of Food and Drugs. I understand some of my colleagues are not satisfied. They seek to use this nomination as leverage to accomplish some other agendas. That is something you can do in the Senate. However, I urge them to consider the consequences of those actions. In the upcoming year we face an exceptionally full agenda with respect to the FDA. We need this man in place. This man could work anywhere in America, probably anywhere in the world, and do much better than what we are offering.

I appreciate his sense of wanting to give back. He is a three-time cancer survivor and understands a lot about food and drugs outside of being a doctor.

I ask my colleagues to join me in getting cloture so that we can get the confirmation accomplished.

I yield back the remainder of our time.

The PRESIDING OFFICER. Who seeks time?

Mr. ENZI. It is my understanding that the previous speakers did yield their time back. So all time is yielded back.

CLOTURE MOTION

The PRESIDING OFFICER. If all time is yielded back, under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 907, the nomination of Andrew von Eschenbach, of Texas, to be Commissioner of Food and Drugs, Department of Health and Human Services.

William H. Frist, Michael B. Enzi, Richard Burr, Thad Cochran, George V. Voinovich, Robert F. Bennett, Tom Coburn, Norm Coleman, Conrad R. Burns, Jon Kyl, Pat Roberts, Mel Martinez, John Ensign, Lamar Alexander, Elizabeth Dole, Christopher Bond, John Cornyn.

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 Executive Calendar No. 907, the nomination of an Andrew von Eschenbach, of Texas, to be Commissioner of Food and Drugs, Department of Health and Human Services, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Alabama (Mr. SHELBY).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Vermont (Mr. JEFFORDS), and 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 ''yea.''

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

The yeas and nays resulted—yeas 89, nays 6, as follows:

[Rollcall Vote No. 273 Ex.]

YEAS—89

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

NAYS—6

Baucus	Grassley	Vitter
DeWine	Santorum	Voinovich

NOT VOTING—5

Biden	Jeffords	Shelby
Hatch	Kennedy	

The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 6. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. ENZI. Mr. President, I thank the Chamber for allowing us to do the cloture vote. With the strong support shown by the cloture vote, I would highly recommend that we get this man confirmed so he can actually have the opportunity to do the kinds of things that have been expected of him in the debate we have had. I also thank Senator KENNEDY for his tremendous help. We have had a number of meetings, a number of hearings. This is the second confirmation of an FDA Director we have worked on. It will be nice to have somebody actually in the position, but I do thank Senator KENNEDY and all of his staff.

I do want to mention the staff person who has directed my health issues. Stephen Northrup is on the floor, and I thank him particularly for all of the work on all of the health issues we have had. Anybody who has looked at the list of those we have done will find it has been a very productive session in the health area, and we are still working on another half dozen issues that could pass yet in this session before the week ends. So I thank Stephen for all of his tremendous help. I ask that people support the nomination of Dr. Von Eschenbach.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I spoke earlier this morning against cloture. Cloture passed, which for the public listening means there are 60 percent or more in support of stopping debate, and there is under the rules the possibility of 30 hours of debate. I don't intend to probably speak for more than a half hour, so if anybody is interested in how long postcloture debate might go on, it won't go on very long from my point of view. But I do want to take some time to tell people, even though it is quite obvious this nominee will be approved, why I think he should not be approved.

I placed a hold on this nominee for quite a few weeks. That hold obviously was ignored by the leader when he filed cloture, which is his right to do. I voted against cloture because I take my constitutional duty to conduct oversight of the executive branch of Government very seriously, and I think the nominee is standing in the way of Congress doing its oversight of the agency of which he is now Acting Director and will probably soon be the confirmed Director. That sort of lack of cooperation violates the separation of powers and the checks and balances within our constitutional system.

I hope my colleagues know that I take a great deal of time to make sure that we do both jobs we have the responsibility to do here in the Congress. One is to pass laws. But the one we are never taught much about in political science classes is the constitutional job of oversight, which is the responsibility to make sure the laws are faithfully executed and money is being spent according to congressional intent, and the overseeing of the administrative branch of Government. So I take a great deal of my time in the Senate trying to make Government work not just by passing laws but by making sure they are faithfully executed. I don't do that all by myself as a single Senator. I have good staff. I charge my staff to conduct oversight rigorously and to investigate any areas where the Federal Government is failing to be transparent, accountable, and effective. Transparency is so important, because the public's business, which is everything about the Federal Government, ought to be public. If the work of the executive branch fails the

sniff test and the law is not being faithfully executed or the public's business is not being made public, that is when it is my constitutional responsibility to blow the whistle.

Quite frankly, I don't want to take credit for what I am able to blow the whistle on, because there are a lot of good, patriotic employees in the executive branch of Government who also know it is their constitutional responsibility to execute the laws and spend the money right. When they see it isn't happening, and particularly when they go up the chain of command and don't get results, or when taxpayers monies are being wasted and it seems nobody cares, then they exercise the right they have under laws to blow the whistle to Members of Congress.

So we obviously count on whistleblowers—in other words, patriotic Federal employees—who report something wrong when people above them don't care. They care enough to come to us and give us a lot of good information. So today I am blowing the whistle on this nominee. In good conscience, I did put a hold on the nominee, and I will not vote in favor of him for the reasons I have given before and reasons that will be more spelled out now. A vote for this nominee would be an endorsement of the stonewalling, but, more importantly, the disrespect for Congress he has shown by not cooperating with congressional oversight. I can say this not only because of his actions but because of his words which are on the record.

In response to a nomination question in which I asked this nominee if he would cooperate with congressional oversight, Dr. Von Eschenbach identified a number of ''executive branch interests'' as a basis for not complying with congressional requests, including ''matters pending before the agency.'' And ''predecisional deliberative process information,'' and ''open investigation information.'' You get this sort of gobbledegook as excuses for not giving information to Congress as they promised to do but, outside of that, that the Constitution requires they do; that is if you believe in the checks and balances of our Government and if you believe it is backed up by Supreme Court decisions. It seems to me it has a good basis.

This nominee was not well-served by whoever counseled him on these matters. He should know that during my years in the Senate, my investigators have obtained access to every single one of these categories of so-called confidential information. I would say to the distinguished chairman of the HELP Committee who is watching over this nomination process—confirmation process—he said to me before the vote on cloture it would help if we got Dr. Von Eschenbach approved because now he is an acting and maybe he can't do all the things that he can do as Director, and that may be true. But not once in my discussions or my staffs' discussions with people at FDA was there ever a hint from the nominee himself that once approved, he would be able to give us all of these documents. I use this chart as an example: You get an answer to a request and you get 57 pages removed. Another chart I had up here showed 43 pages were removed. And what is in those pages? Who knows what is in them. We don't even know why they were removed, and we don't know who made the decision to remove them.

That is cooperation with Congress? Not once, I say to Senator ENZI, did he ever tell me or my staff or people who are working for him that if we could get this confirmation over, we will be able to satisfy what you want done. So I don't see anything better, with a vote of approval by the Senate, of cooperation with us than before.

But he wasn't well-served by those who counseled him. He should know that during my years in the Senate, my investigators have obtained access to every single one of these categories of so-called confidential information. His answer is at odds with my belief that congressional oversight is one of the best ways to shake things up at a government agency and expose the truth. The truth will make Government look better, or if the truth doesn't make Government look better, at least you are being candid with the American people. Besides, it is the public's business, and whether it is good news or bad news, it ought to be public.

Dr. Von Eschenbach's answers happen to be at odds with my belief that congressional oversight is one of the best ways to get to the bottom of things. This is true not just of the FDA; it is true of any Government agency. If an agency is not doing the right thing, typically behind it there is an effort to keep information suppressed, an effort to keep people from doing what they think ought to be done, an effort to keep people from doing what their job requires them to do, or to not let them put out that information. The muzzling of dissent and information is too common throughout our Government. Things that should be transparent in Government simply are not. And under Dr. Von Eschenbach, the FDA has not only avoided transparency, it also has threatened those who are trying to desperately expose the truth.

That is not just under Dr. Von Eschenbach. For years before him, there has been intense pressure brought to bear upon scientists who want to do the scientific process. I say ''do the scientific process'' because the scientific process answers itself or gives the answer. That is what we want: answers on safety and efficacy of drugs.

There is a culture there—even prior to Dr. Von Eschenbach, for any serious Director who wants to change it—that is going to make it very difficult to change because you have an agency that is more interested in its public relations and how they look to the public-at-large than what their job is. That is when they end up getting egg on their face, when they are more concerned about their public relations than just doing the job. In most instances, if these agencies do what they are supposed to do, things get done and get done effectively, and then the public relations takes care of itself. Good policy, good administering of law, is good public relations. It will take care of itself.

I met with this nominee after the White House sent his nomination to the Senate last March. I hoped he would provide the kind of strong, permanent leadership this agency needs to change its culture, where scientists are intimidated from doing their work. Over the next 9 months, this nominee showed me that he is unlikely to provide that kind of leadership. My belief is what you see is what you get. I fear what we will get from this nominee is what we got from him where he is now as the Acting Commissioner. Let me tell you why, with just a few examples.

First, the doctor failed to live up to his word. In our meeting, he said he respected and understood the important role Congress plays as an equal branch of Government. But it didn't take long after that meeting before the first red flags appeared.

In April, the committee began its investigation of the Food and Drug Administrations's approval and postmarket surveillance of the Ketek drug, an antibiotic that came under renewed scrutiny last January. It looks as though it is another drug where the FDA was caught flatfooted. The Finance Committee issued two subpoenas in May after the FDA refused to provide documents related to Ketek. I referred to a family in Cedar Rapids, IA, who lost an 18-year-old son.

During this time, the Food and Drug Administration also refused access to Food and Drug Administration officials. The Finance Committee was forced to issue a subpoena to a special agent in the FDA's Office of Criminal Investigation. The FDA refused to allow my staff to speak to this Federal employee, citing a policy against providing access to line agents. Yet, only months before, just a few weeks before that, my staff interviewed two line agents from the Food and Drug Administration on another case. What rule was in place when I interviewed them, but a few weeks later you couldn't interview another? Apparently, the policy was abruptly changed. I have seen it change over the years with other investigations. This policy is not law, and it is typically enforced when the stakes are at their highest and there is something to hide.

I took this matter seriously enough that I went to the Department of Health and Human Services to meet with this agent. I was told that if this agent wanted to speak to me, he would have to assert his status as a whistleblower under Federal law. I ask today

what I asked that day: Why does this Government employee have to become a whistleblower to talk to me or anybody else in Congress if the public's business is really public?

So I have to ask my colleagues, is that acceptable? When you are doing your constitutional responsibility of oversight, is it acceptable to the rest of you in the Senate that they thumb their noses?

Also, this Government employee's supervisors put him in a no-win situation, and because of that he risked being in contempt of Congress. This is an agent who put a doctor in jail for fraud in the Ketek study.

You understand, I said this started back in January with Ketek and our getting involved in the oversight. There was fraud in this Ketek study. Did the agent do the right thing? It is a closed case. We want to talk to him about the closed case, and the Food and Drug Administration says no. So I have to ask, what does the FDA have to hide or cover up?

There are enough instances of political leaders and public servants being ruined by coverup. Can't lessons be learned, that when, in this town, two people know something about it, it is no longer a secret?

Under this Acting Commissioner, the Food and Drug Administration has also attempted to hide and cover up documents. The Finance Committee has received hundreds of pages that say, as I indicate here, ''57 pages removed.'' There is another poster behind it that looks exactly the same: ''43 pages removed.'' Other documents have whole pages, paragraphs, or sentences redacted, with no explanation as to why. Sometimes documents are marked ''redacted.'' Other times they are not marked, even when it is evident that information is missing. There is no explanation for what documents have been withheld or redacted. It is incomprehensible, and it looks like the work of the Keystone Cops rather than an agency responsible to the American public for the safety of drugs and devices and the efficacy of drugs and devices.

One of the Food and Drug Administration's most incompetent and absurd moments was when it sent one of my own request letters back to me with information redacted out of it. Let's get this clear. You folks are defending a person who is running an agency from which I asked for information and they redacted the letter I sent to them. The letter I wrote came back as part of the information. Does that meet the commonsense test? Does that meet the test of competency?

Recently, I wrote Secretary Leavitt and Attorney General Gonzales to explain the basis for some of these redactions. I don't know whether you call a blank page a redaction because you don't know what has been there to redact, but obviously there is no information on a blank page unless it is about the competency of the people who work within the agency.

Again, two copies of the same document were redacted differently. Think of this. They want to keep us from getting information. They send us two copies. One copy has one sentence redacted, and the other copy doesn't redact that sentence but redacts another sentence. So we got the whole document but presumably a basis for things we were not supposed to know but now we know. Do you think this guy with a medical degree, with this sort of background, is going to go in and change that culture even if there was nothing wrong with him? Even if he cooperated with me? So it calls into question the good-faith basis for redaction at all.

I could go on and on with examples showing the stonewalling and the withholding of information from legitimate congressional requests, pursuing our constitutional responsibility of oversight. What it boils down to is that this nominee has demonstrated he does not understand that Government truly is the people's business. He doesn't seem to understand that the people who finance it, the taxpayers, have a right to know what their Government is doing and how their money is being spent.

I will give one final example. I have been a longtime champion of whistleblowers. I was the lead Senate sponsor of the 1986 whistleblower amendments to the False Claims Act. Back then, we were interested in dismantling a too-cozy relationship between defense contractors and the Pentagon. Today, whistleblowers are once again the key to dismantling the cozy relationship between some drug companies and the Food and Drug Administration.

In June, Dr. Von Eschenbach held a meeting of FDA staff involving this drug I have been investigating, questioning how it was handled—Ketek. FDA employees who were present say that he used a lot of sports metaphors regarding being a ''team player'' and keeping opinions ''inside the locker room.'' Basically, he said to not criticize the FDA outside the locker room, ''outside the locker room'' being his words. Apparently he stated that anyone who spoke outside the locker room might find themselves ''off the team.''

How are you going to do your job of congressional oversight if you have somebody you are getting confirmed who says that if you want to talk to anybody, they better not talk to you, at least not talk off note, because they are no longer on the team? Just think of the intimidation that brings throughout the Federal bureaucracy.

This nominee held this meeting in the midst of this ongoing congressional investigation of this drug Ketek. He called the meeting after a number of critical reports in the media about the FDA's handling of Ketek. A number of FDA employees interviewed by the committee were offended by his comments, found them highly questionable, inappropriate, and potentially threatening. I don't think there was any ''potential'' about it, they were meant to be threatening, and I agree with the employees.

Leaders of an agency should not hold a meeting to suggest that dissenters will be kicked off the team, particularly when the lives of American people are at stake, when drugs are going to be put on the line and they might not be safe. I can refer to the death of an 18-year-old in Cedar Rapids, IA. His is the type of action that shows the true stripes of the nominee. He broke his word that he respected whistleblowers—that is what he told me; quite obviously he doesn't respect whistleblowers—and that he would never raise even the appearances of retaliation. If this meeting isn't an example of retaliation, I don't know what it is. When it comes to health care and public safety, we need to empower whistleblowers more than ever. They demonstrate extraordinary courage in the face of extraordinary adversity. It is extremely difficult to be a whistleblower. As I like to say, they are about as welcome as a skunk at a picnic. Yet it is whistleblowers in Government who put their job security on the line to come forward and expose fraud or wrongdoing for the public good. My Finance Committee staff has been investigating serious allegations raised by whistleblowers at the FDA on various issues over a period of 3 years. Many of these allegations are very serious and call into question whether the Food and Drug Administration is fulfilling its mission to protect the health and safety of Americans. The way the Food and Drug Administration under this nominee has handled the investigation of Ketek shows the agency would like to keep its business secret. It doesn't want these issues made public or subjected to scrutiny. The culture at the FDA has been we will let the public know what we think they need to know.

The American people do not want the government making decisions about what is good for them behind closed doors.

The goal of the Finance Committee's oversight has been straightforward. As chairman, I wanted to bring out in the open the decisions made by the FDA. For too long the agency has been making its decisions behind closed doors.

This nominee is not likely to serve well because he just does not seem to get it. He has placed media relations over the mission of the FDA. First and foremost, he is supposed to do the right thing on behalf of Americans. Dr. Von Eschenbach has other interests to serve and they are not always the interests of John Q. Public.

I hear from time to time from other agencies that particular documents are especially sensitive or that the release of certain documents could jeopardize a criminal investigation—I understand that. But in those circumstances, I have reached accommodations. Unfortunately, in this case, my efforts to work with Dr. Von Eschenbach and his subordinates have been all but summarily dismissed.

As I am sure you know, I intend to keep pressing the FDA for greater

transparency and openness. I think there is going to be new leadership in the Congress which is going to be even more aggressive and has a history of being more aggressive in this area. I have been welcoming and I continue to welcome that sort of help.

As I continue with my constitutional duties to conduct oversight, I look forward to working with my colleagues to ensure transparency, accountability, and effective governance by the executive branch. The bottom line is Congress needs to stay committed to oversight of the executive branch. The public depends on Congress to fulfill its duty and hold executive agency leadership accountable. To sum up, that is what congressional oversight is all about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

TRIBUTE TO KENNETH JORDAN

Mr. ALLARD. Mr. President, I rise today to honor the service and sacrifice of Colorado Springs police officer Kenneth Jordan.

My wife Joan and I were deeply saddened to hear of the senseless death of Officer Kenneth Jordan while in the line of duty this past Tuesday in Colorado Springs, CO, during a traffic stop.

It takes a person of great courage to become an officer of the law. It takes a strong, hardworking, and considerate individual. It takes a special someone who is willing to pay the ultimate price in protecting the safety of others.

Officer Kenneth Jordan was just this person. Unfortunately, Officer Kenneth Jordan paid the ultimate price.

Officer Kenneth Jordan was the 12th Colorado Springs police officer to be killed in the line of duty. According to the National Law Enforcement Officers Memorial Fund, more than 17,500 officers have been killed nationwide since 1792, including 231 in Colorado.

The shock to the city of Colorado Springs this week at his death is especially harsh—Kenneth Jordan was the second Colorado Springs officer to be killed this year. Officer Jared Jensen made the ultimate sacrifice last February. The memorial service for officer Kenneth Jordan held at 1 p.m. Monday at New Life Church will be a grim repeat of the day 10 months ago when Officer Jensen was laid to rest. Before Officer Jensen Colorado Springs police had not held a funeral for one of their own in 24 years.

A Chicago native at 32 years of age, Kenneth Jordan joined the Colorado Springs Police Department in January 2000 and was known for his unwavering professionalism and strong work ethic. In February 2004, Officer Kenneth Jordan became a DUI officer, whose passion was getting drunk drivers off the road. According to his colleagues, Officer Jordan made 584 DUI arrests since joining this elite team and nearly broke the yearly record of 283 when he made 270 arrests in 2005. Officer Jordan was honored in 2004 by the Mothers Against Drunk Drivers for his dedication to enforcing DUI laws.

Officer Kenneth Jordan was a brother and a son. He is survived by his sister, his loving parents and his girlfriend. Kenneth was well liked by his peers and others with whom he came in contact. He was always willing to lend a hand to friend or a stranger alike.

The city of Colorado Springs has lost a valuable member of its community, and we are all forever grateful for Officer Kenneth Jordan's service and dedication to the safety and well-being of others. His service to the city of Colorado Springs is highly commendable, and his contributions will be remembered.

I extend my deepest sympathy to the family of Officer Kenneth Jordan. May his bravery and unwavering sense of duty serve as a role model for the future generation of law officers. Thank you for your service, Officer Jordan. Rest in peace, Sir.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. CRAIG. Mr. President, I ask unanimous consent that myself, the Senator from Idaho, and the Senator from California, Senator FEINSTEIN, be allowed to speak as if in morning business for the next 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

LABOR SHORTAGE

Mr. CRAIG. Mr. President, the Senator from California, Senator FEINSTEIN, will be here in a few moments to join me in what we believe is an important message, to continue to speak not only to our colleagues here in the Senate but to America as a whole. It is a speech not unlike the one we gave before we recessed for the break before the election, when it was becoming increasingly obvious that America was finding itself in a major labor shortage, primarily in agriculture and some of the service industries. In fact, while I was home during this recess period of time, the shortage of orange juice in the U.S. market made national news as the price went up substantially.

A shortage of orange juice today in the American market is because nearly a million cases of oranges rotted on the trees of Florida this fall, late summer, because there were not hands to pick them, put them in the crates, and move them to the processing sheds. That became painfully obvious across America as the harvest season went on, especially in those areas that require concentrated hand labor, whether it was Florida, California, and the great San Joaquin Valley of California, whether it was my State of Idaho that began to see labor shortages in a variety of areas, whether it was Washington or Oregon, where many of the fresh fruits and vegetable crops simply did not get picked and apples rotted on the trees, whether it was in Kentucky, Illinois, Colorado or Michigan, it became so obvious this Congress, in its effort to pass comprehensive immigration reform, simply failed to do so. America grew angry about it, grew angry about the number of illegals in our country and the fact this Congress did little or nothing about it.

A great deal is going on. One of the reasons the labor shortages began to appear is because this Congress insisted, and the administration agreed, we put money behind the securing and the closing of our southwest border where literally a million-plus people were moving across annually into our labor market.

We viewed that as untenable and irresponsible for a great nation to fail to control and secure its borders. We are doing that now. We are continuing to invest and will continue to invest in a secured border environment. But in doing that, and failing to couple with a more secure border a comprehensive immigration reform package that allows a real, honest, legal, fair guest worker program, American agriculture now hurts as they have never hurt before.

On December 4, all of my colleagues received a letter that in itself was almost unprecedented, a letter from over 400 agricultural groups around the country—not just agricultural groups but nursery groups, warehouse groups, storage groups, all of them generally agriculture related.

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

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

DECEMBER 4, 2006.

Hon. LARRY CRAIG,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRAIG: The organizations on the attached list urge you to support passage of a comprehensive agricultural worker program this year!

You've read the headlines. Food grown for American tables has rotted in American fields this year. The cause? In this case it's not the weather. It's something the Congress can address—labor. We need agricultural worker reform before the end of the 109th Congress.

The facts are clear: on many American farms, immigrant labor plants, tends and picks the fruits, vegetables, and other crops. Immigrant workers tend the livestock—feeding the chickens, turkeys, horses, sheep, hogs and cattle and milking the cows. Immigrant workers also produce, install, and maintain the plants that make our homes, towns, and cities livable.

The current agricultural temporary worker program—known as H2A is flawed and needs reform. There is no area of the country

where H2A workers make up more than 10 percent of the necessary farm workforce. In most areas, it's far less than that. Nationally, only two percent of farm workers are provided by the unresponsive and litigation-plagued H2A program. American agriculture needs a reformed H2A program that is timely, effective and streamlined, and a transition approach that allows for retaining the experienced workforce while capacity is built on the farm and at the border to support wider use of a program like reformed H2A.

Language that seeks to address the challenges specific to agriculture was included in the bill passed with a bipartisan majority in the Senate. Many House members of both parties have acknowledged the need to address immigration reform for agriculture. Polls show the American people overwhelmingly favor a common-sense approach to immigration reform including sensible foreign worker programs and earned legal status subject to strict conditions for workers currently in the country.

Another fact we must point out, at this late date in the year, is that agriculture issues are rarely partisan issues. While they are sometimes regional, in this case every area of the country is affected by agricultural labor shortages and support for a common-sense solution comes from every region of the country as well.

Reports in the media have told the story this harvest season: not enough workers to pick the apples in New York and Washington or the cherries in Oregon and Michigan or the oranges in Florida. One major daily newspaper showed on its front page a massive pile of pears on the ground in California—rejected by the packing house because they were picked too late due to labor shortage. Worker shortages have been reported from coast to coast, from border to border.

It is time for the Congress to act. After a decade of debate and with worker shortages now a reality, American agriculture needs your help.

The sheer number and geographic representation of the organizations on the attached list show the widespread and urgent need for solving this problem. We urge you to support enactment of a comprehensive agricultural worker program, this year!

Sincerely,

Agriculture Coalition for Immigration Reform; Agri-Mark, Inc.; Agri-Placement Services, Inc.; American Agri-Women; American Farm Bureau Federation; American Farmland Trust; American Frozen Food Institute; American Horse Council; American Mushroom Institute; American Nursery & Landscape Association; American Sheep Industry Association (ASI); The Council of Northeast Farmer Cooperatives; Dairylea Cooperative Inc.; Dairy Farmers of America; Farwest Equipment Dealers Association; Federation of Employers and Workers of America; Irrigation Association; Landscape Contractors Association; National Association of State Departments of Agriculture; National Christmas Tree Association.

National Council of Agricultural Employers; National Council of Farmer Cooperatives; National Greenhouse Manufacturers Association; National Milk Producers Federation; National Potato Council; National Watermelon Association; New England Apple Council; NISEI Farmers League; North American Bramble Growers Association; North American Horticultural Supply Association; Northeast Dairy Producers Association; Northeast Farm Credit Associations; Northern Plains Potato Growers Association; Northwest Farm Credit Services; Northwest Horticultural Council; Nursery & Landscape Association Executives of North America; OFA—An Association of Floriculture Professionals; Pacific Northwest Christmas Tree Association; Perennial Plant Association; Produce Marketing Association.

Society of American Florists; South East Dairy Farmers Association; Southern Christmas Tree Association; Southern Nursery Association (AL, DE, FL, GA, KY, LA, MD, MI, MO, OK, NC, SC, TN, TX, VA, WV); Turfgrass Producers International; United Agribusiness League; United Egg Producers; United Fresh Produce Association; U.S. Apple Association; Western Growers; Western Plant Health Association; Western United Dairymen; Wholesale Nursery Growers of America; WineAmerica; Wine Institute; Alabama Nursery & Landscape Association; Alabama Watermelon Association; Arizona Nursery Association; Pasquinelli Produce Co., Yuma, AZ; Arkansas Green Industry Association.

Allied Grape Growers (CA); Brand Flowers Inc, Wilja Happe, Owner (CA); California-Arizona Watermelon Association; California Association; of Nurseries and Garden Centers; California Association of Wheat Growers; California Association of Winegrape Growers; California Avocado Commission; California Bean Shippers Association; California Canning Peach Association; California Citrus Mutual; California Cotton Ginners & Growers Associations; California Dairies, Inc.; California Egg Industry Association; California Farm Bureau Federation; California Fig Advisory Board; California Floral Council; California Grain and Feed Association; California Grape and Tree Fruit League; California League of Food Processors; California Pear Growers Association.

California Seed Association; California State Floral Association; California Strawberry Nurserymen's Association; California Warehouse Association; California Women for Agriculture; Carol and Bill Chandler, Chandler Farms, LP (CA); Colab Imperial County (CA); Family Winemakers of California; Fresno County Farm Bureau (CA); Grower-Shipper Association of Central California; Imperial County Farm Bureau (CA); Imperial Valley Vegetable Growers Association (CA); Kern County Farm Bureau (CA); Kings County Farm Bureau (CA); Lake County Farm Bureau (CA); Lassen County Nursery (CA); Madera County Farm Bureau (CA); Merced County Farm Bureau (CA); Monterey County Farm Bureau (CA); Napa County Farm Bureau (CA).

Olive Grower Council of California; Orange County Farm Bureau (CA); Pacific Coast Producers; Pacific Egg and Poultry Association (CA); Raisin Bargaining Association (CA); San Diego County Farm Bureau (CA); San Diego County Flower & Plant Association; San Joaquin County Farm Bureau (CA); Santa Barbara County Farm Bureau (CA); Santa Clara County Farm Bureau (CA); Stanislaus County Farm Bureau (CA); Sun Maid Growers of California; Tulare County Farm Bureau (CA); Ventura County Agricultural Association (CA); Yolo County Farm Bureau (CA); Duane Abe, Tree Fruit, Citrus, Vegetable Grower (CA); Mitch Bagdasarian, Grape and Tree Fruit Grower (CA); Anthony Balakian, Fruit Patch, Inc. (CA); Stephen J. Barnard, Mission Produce, Inc. (CA); Charanjit Batth, Raisin & Almond Grower (CA).

Doug Benik, Grape Grower (CA); Bobby Bianco, Anthony Vineyards, Inc. (CA); Pete Binz, Raisin Grower (CA); Stephen Biswell, Mt. Campbell Development (CA); Bill Boos, Grape, Tree Fruit and Citrus Grower (CA); Nicholas Bozick, R. Bagdasarian, Inc. (CA); Wayne Brandt, Brandt Farms, Inc. (CA); Rod Burkett, Olive Grower (CA); Tony Campos, Diversified Grower (CA); Anton Caratan, Anton Caratan & Sons (CA); Chris Caratan, M. Caratan, Inc. (CA); Blake Carlson, Tree Fruit and Grape Grower (CA); Kirk Cerniglia, Royal Madera Vineyards (CA); Bill Chandler, Grape & Almond Grower (CA); Micheal Conroy, Conroy Farms, Inc. (CA); Allan Corrin, Corrin Farming (CA); Stanley Cosart, W.F. Cosart Packing Co. (CA); Verne Crookshanks, Venida Packing, Inc. (CA); Anthony Cubre, Sr., Grape Grower (CA); Frank Dalena, Poultry and Vegetable Grower (CA).

Jerry Dibuduo, Ballantine Produce Co., Inc. (CA); Maurice Dibuduo, Grape Grower (CA); Nat Dibuduo, Jr., Allied Grape Growers (CA); John Diepersloot, Tree Fruit Grower (CA); Tony Domingos, Grape Grower (CA); Edge Dostal, Chiquita Fresh North America (CA); Dan Dreyer, Olive Grower (CA); Russel Efird, Diversified Grower (CA); Richard Elliot, David J. Elliot & Sons (CA); Ken Enns, Enns Packing Co., Inc. (CA); Dan Errotabere, Diversified Grower (CA); Tony Fazio, Tri-Boro Fruit Co., Inc. (CA); Steve Ficklin, Grape Grower (CA); Ron Frauenheim, Frauenheim Farms (CA); George Fujihara, Raisin Grower (CA); Fred Garza, Farm Labor Contractor (CA); Micky George, George Bros., Inc. (CA); Dan Gerawan, Gerawan Farming, Inc. (CA); Randy Giumarra, Guimarra Vineyards Corporation (CA); Jim Hamilton, Nut Grower and Processor (CA).

John Harris, Feed Lot, Diversified Farming (CA); Mak Hase, Tree Fruit Grower (CA); Steve Hash, Steve Hash Farms (CA); Doug Hemly, Greene and Hemly, Inc. (CA); Phil Herbig, Enns Packing Co., Inc. (CA); Leland Herman, Raisin Grower (CA); Phil Herman, Grape Grower (CA); David Hoff, Raisin Grower (CA); Allen Huebert, Grape and Tree Fruit Grower (CA); Tim Huebert, Tree Fruit Grower (CA); Robert Ikemiya, Ito Packing Company, Inc. (CA); Daniel Jackson, Tree Fruit Grower and Packer (CA); David Jackson, David Jackson Farms (CA); George Jackson, Tree Fruit Grower (CA); Mike Jensen, Grape, Tree Fruit Grower and Packer (CA); David Johnson, Citrus Grower (CA); Steve Johnson, Johnson Orchards, Inc. (CA); Brian Jones, Sun Valley Packing (CA); Herb Kaprielian, KCC Holding LLC (CA); Alan Kasparian, Grape Grower (CA).

Aubrey Cairns, Kaweah Lemon Company (CA); Pat Kurihara, Citrus, Tree Fruit and Grape Grower (CA); Paul Lanfranco, Grape & Tree Fruit Grower (CA); Ben Letizia, Grape and Tree Fruit Grower (CA); Jim Lloyd-Butler, James Lloyd-Butler Family Partnership (CA); Jerry Logoluso, Grape Grower (CA); Dave Loquaci, Grape Grower (CA); Ronald Lund, Raisin Grower (CA); Fred Machado, Dairy Farmer (CA); David Marguleas, Sun World

International, LLC (CA); Harold McClarty, Tree Fruit Grower and Packer (CA); Mark Melkonian, Tree Fruit and Dehydrator (CA); Richard Milton, Tree Fruit Grower (CA); Keith Nilmeier, Tree Fruit Grower (CA); James Oliver, Grape and Tree Fruit Grower (CA); Louis Pandol, Pandol Bros., Inc. (CA); Dennis Parnagian, Fowler Packing Company, Inc. (CA); Justin Parnagian, Fowler Packing Company, Inc. (CA); Ron Peters, Tree Fruit Grower (CA); Scott Peters, Tree Fruit, Citrus and Grape Grower (CA).

Jerald Rebensdorf, Fresno Cooperative Raisin, Inc. (CA); Bob Reimer, Tree Fruit and Grape Grower (CA); Pat Ricchwti, Jr., Almond, Tree Fruit & Grape Grower and Packer (CA); Cliff Rolland, Abe-el Produce (CA); Cliff Sadoian, Sadoian Bros., Inc. (CA); Bobby Sano, Grape, Tree Fruit and Nut Grower (CA); Sark Sarabian, Sarabian Farms (CA); Tom Sasselli, Grape Grower (CA); Tom Schultz, Chase National Kiwi Farms (CA); Mike Scott, Raisin Grower (CA); Andrew J. Scully, Philip E. Scully, Toni M. Scully, Pear & Packing (CA); Don Serimian, Tree Fruit & Grape Grower and Packer (CA); Jim Simonian, Simonian Fruit Company (CA); Dave Smith, Olive Grower (CA); Brent Smittcamp, Wawona Packing Co., LLC. (CA); Kent Stephens, Marko Zaninovich, Inc. (CA); Ty Tavlan, Tree Fruit Grower and Packer (CA); Dean Thonesen, Sunwest Fruit Company, Inc. (CA); Bill Tos, Tree Fruit Grower & Walnut and Packer (CA); Stan Tufts, Tufts Ranch LLC (CA).

Steve Volpe, Table Grape Grower and Packer (CA); Eric Ward, Tree Fruit and Nut Grower (CA); Chiles Wilson, All State Packers, Inc. (CA); John D. Zaninovich, Zan Farms, Inc. (CA); Jon P. Zaninovich, Jasmine Vineyards, Inc. (CA); Marko S. Zaninovich, Marko Zaninovich, Inc. (CA); Ryan Zaninovich, V. B. Zaninovich & Sons, Inc. (CA); Associated Landscape Contractors of Colorado; Colorado Nursery & Greenhouse Association; Colorado Potato Administrative Committee; Colorado Sugar Beet Growers Association; Colorado Wine Industry Development Board; Bishops Orchards (CT); H. F. Brown Inc. (CT); Connecticut Nursery & Landscape Association; A. Duda & Sons (FL); Florida Citrus Mutual; Florida Citrus Packers; Florida Farm Bureau Federation; Florida Fruit & Vegetable Association.

Florida Grape Growers Association; Florida Nursery, Growers & Landscape Association; Florida Watermelon Association; Gulf Citrus Growers Association (FL); Tampa Bay Wholesale Growers (FL); Georgia Green Industry Association; Georgia Milk Producers; Georgia Watermelon Association; Winegrowers Association of Georgia; Environmental Care Association of Idaho; Idaho Apple Commission; Idaho Cherry Commission; Idaho Grower Shippers Association; Idaho Nursery & Landscape Association; Idaho-Oregon Fruit and Vegetable Association; Potato Growers of Idaho; Illinois Grape Growers and Vintners Association; Illinois Landscape Contractors Association; Illinois Nurserymen's Association; Illinois Specialty Growers Association.

Indiana-Illinois Watermelon Association; Indiana Nursery and Landscape Association; Iowa Nursery & Landscape Association; Farm Credit of Maine; Maine Potato Board; Maryland Nursery and Landscape Association; Maryland-Delaware Watermelon Association; Massachusetts Nursery and Landscape Association, Inc.; Michigan Apple Committee; Michigan Christmas Tree Association; Michigan Farm Bureau Federation; Michigan Green Industry Association; Michigan Horticultural Society; Michigan Nursery and Landscape Association; Michigan Vegetable Council; WineMichigan; Minnesota Nursery & Landscape Association; Mississippi Nursery and Landscape Association; Missouri-Arkansas Watermelon Association; Montana Nursery & Landscape Association.

Nebraska Nursery & Landscape Association; New Hampshire Farm Bureau; New Jersey Nursery & Landscape Association; Overdevest Nurseries (NJ); Agricultural Affiliates (NY); Cayuga Marketing (NY); Farm Credit of Western New York; First Pioneer Farm Credit (NY); New York Agriculture Affiliates; New York Apple Association; New York Farm Bureau; New York Horticulture Society; New York State Nursery & Landscape Association; New York State Vegetable Growers Association; PRO-FAC Cooperative, Inc. (NY); Torrey Farms Inc., NY; Upstate Farms Cooperative Inc. (NY); Yankee Farm Credit (NY); Addis Cates Company (NC); North Carolina Christmas Tree Association.

North Carolina Commercial Flower Growers' Association; North Carolina Greenhouse Vegetable Growers Association; North Carolina Farm Bureau; North Carolina Green Industry Council; North Carolina Muscadine Grape Association; North Carolina Nursery & Landscape Association; North Carolina Potato Association; North Carolina Strawberry Association; North Carolina Vegetable Growers Association; North Carolina Watermelon Association; North Carolina Wine & Grape Council; North Dakota Nursery and Greenhouse Association; Ohio Farm Bureau Federation; Ohio Nursery and Landscape Association; Oklahoma Greenhouse Growers Association; Oklahoma Nursery & Landscape Association; Hood River Grower-Shipper Association (OR); Oregon Association of Nurseries; Oregon Wine Board; Wasco County Fruit & Produce League (OR).

Hollabaugh Bros., Inc. (PA); Pennsylvania Landscape & Nursery Association; State Horticultural Association of Pennsylvania; Rhode Island Nursery & Landscape Association; South Carolina Greenhouse Growers Association; South Carolina Nursery & Landscape Association; South Carolina Watermelon Association; South Dakota Nursery and Landscape Association; Tennessee Nursery & Landscape Association, Inc.; Lone Star Milk Producers (TX); Plains Cotton Growers, Inc. (TX); Select Milk Producers (TX); South Texas Cotton and Grain Association; Texas Agricultural Cooperative Council; Texas Agri-Women; Texas Association of Dairymen; Texas Cattle Feeders Association; Texas Citrus Mutual; Texas Cotton Ginners Association; Texas Grain Sorghum Producers Assocation.

Texas Nursery & Landscape Association; Texas Poultry Federation and Affiliates; Texas Produce Association; Texas Produce Export Association; Texas-Oklahoma Watermelon Association; Texas Turfgrass Producers Association; Texas Vegetable Association; Western Peanut Growers (TX); Winter Garden Produce (TX); Utah Nursery & Landscape Association; St. Albans Cooperative Creamery (VT); Vermont Association of Professional Horticulturists (VAPH); Virginia Apple Growers Association; Virginia Nursery & Landscape Association; Virginia Green Industry Council; Virginia Christmas Tree Growers Association; Northern Virginia Nursery & Landscape Association; Southwest Virginia Nursery & Landscape Association; Independent Food Processors Company (WA); Mt. Adams Orchards Corporation (WA).

Underwood Fruit & Warehouse Company (WA); Washington Association of Wine Grape Growers; Washington Bulb Co.; Washington Growers Clearinghouse; Washington Growers League; Washington State Farm Bureau; Washington State Nursery & Landscape Association; Washington State Potato Commission; Washington Wine Commission; Commercial Flower Growers of Wisconsin; Gardens Beautiful Garden Centers; Hartung Brothers Inc. (WI); Lawns of Wisconsin Network; Wisconsin Christmas Tree Growers Association; Wisconsin Landscape Contractors Association; Wisconsin Nursery Association; Wisconsin Sod Producers Association.

Mr. CRAIG. What did they say? They said it very clearly: a failure to reform the H–2A program has put American agriculture in an untenable position. As we bring in the numbers this winter to do the harvest this summer and fall, it is reasonable to predict the loss that the American consumers are now hearing about in bits and pieces through the national news could well be equivalent to $4 billion to $5 billion of actual value lost at the farm gate—meaning the produce did not leave the farm, it did not make it to the processor, it will never make it to the consumer's shelf, and American consumers will grow increasingly dependent upon foreign sources for their food supply. For a great nation like ours, that is not only dangerous, it is foolish and irresponsible.

As we put American agriculture through this difficult time by our failure to enact comprehensive immigration reform, something else is going on out there on the farm. Diesel costs, fertilizer costs, equipment costs are at an all-time high. Of course, we know the general energy costs have increased at an unprecedented rate this year. Not only do we have the impact of high input costs in the production of American agriculture and agricultural foodstuffs, now there is nobody to pick the crop.

I was in the upper San Joaquin Valley late summer meeting with a group of agricultural people. One farmer said it as clearly as it could ever be said. He said: Senator CRAIG, if you can't bring the workers to me or if you can't make the workers available in the valley, I will have to go where the workers are.

What did he mean by that? He meant he was leasing land in Argentina or Mexico or Brazil where the labor force is today.

What will happen to the land in the great San Joaquin Valley? It will go

fallow, or it will be put in homes. It will no longer be profitable to produce in that greatest agricultural valley in the world which produces the vegetable crops and all of the other kinds of crops the American consumer so readily needs, knows, and wants.

Last year, for the first time, by a near majority of months, America was consuming more from foreign import than they were consuming from their own production. That is something that should never happen in the greatest agricultural Nation in the world.

I think Americans get it. There was a very loud group who distorted the whole debate. But they also taught us something important, that Government had fumbled and Congress had failed in its responsible approach to a comprehensive, enforceable, immigration law. We ignored it for decades. In ignoring it, great problems had occurred. Not only did we have an unprecedented number of undocumented illegal foreign nationals in our country, but we had allowed industries such as agriculture to grow increasingly dependent on an illegal workforce.

Agriculture came to me in the late 1990s and said: Senator CRAIG, this problem has to get fixed.

We began to work on it then. Last year, the Senate passed a comprehensive bill with AgJOBS, the bill I had worked on with American agriculture and the coalition of over 400 agricultural groups. That was in the bill. But when the House failed to act and would not act, when we recognized that we had to gain confidence with the American people that we knew what we were doing and we would do it right, we increasingly began to put pressure on the border, to secure it, to make it a real border, to recognize that to cross it you had to be legal, you had to have the right papers and credentials. That is going on as we speak.

I was one who encouraged our President to maximize the use of our National Guard to help the Border Patrol to focus on those concentrated areas where greater movement of illegals coming across our border was occuring.

It is an issue of security; it is not just people wanting to cross the border to work. Last year, over 200,000 were apprehended who were non-Mexican. They were from all over the world. Many of them, tragically enough, were drug traffickers and illegals trying to get into our country for illegal purposes—not just a hard day's work in the hot sun of an agricultural field. Border security is critical.

I hope this Congress will do now what it must do, what it has to do for the American economy, for the American agricultural industries, and that is pass a responsible, comprehensive reform of the H–2A program.

Yes, we need to deal with the illegals who are currently in the country, but we also need to create a legal, identifiable flow of people who come to work and then go home. Ninety-plus percent who work here want to do just that: they want to go back from where they came. That is where their families are in large part. That is where the American dollar improves their lifestyle, back in their hometowns, predominantly in Mexico but in other parts of the world as well.

If we fail to pass comprehensive reform this year, American agriculture will go through another devastating year in the field, and real management choices will be made, management choices no longer to plant and grow in the United States, no longer to put fresh vegetable crops in the field in December to be harvested in February to supply our great and abundant markets and the needs of our consumers.

This is a very real issue today and a very real problem. That is why on December 4 this coalition sent to this Congress an urgent message, a plea. It said: Please listen to us. Support and pass comprehensive agricultural worker reform. Give us an H–2A program that works. That is what we must accomplish because even in all of our debates this is not going to happen overnight. We won't get to this for several months, and when we do, it will take time working with the House. Then it will pass. Then it has to be implemented.

So American agriculture will go through another very tough cropping season and billions of dollars will be lost. Wise business men and women will have to make decisions of whether they continue to farm in this country and produce in this country or if they go elsewhere to produce, and instead of being domestic producers, they become foreign importers. That is something that should never be allowed to happen.

My colleague from California has joined me. Senator FEINSTEIN and I and others have worked closely to craft the right kind of bill that works, that is legal, that is transparent, that recognizes the importance of border security and border control to get this great country back into the business of doing what it ought to do; that is, to allow into our country those we want and to keep out those we don't want.

We are a nation of immigrants. We are proud of that. Most all of us came from somewhere else some time ago. It is because of this we are a great nation. It is because of the ability to assimilate, to bring into our culture foreign nationals to become Americans that has made our country great.

In the last two decades, we failed to do that in a responsible fashion. Now, because of that, American agriculture hurts, other industries hurt. It is important we grow increasingly sensitive to getting this job done and getting it right. The job itself is passing AgJOBS, the comprehensive responsible bill to help American agriculture create a legal workforce.

Under the unanimous consent the Senator from California, Mrs. FEINSTEIN, has the next 15 or 16 minutes.

Mrs. FEINSTEIN. That is correct.

May I proceed, Mr. President?

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Idaho. I also indicate how much I agree with the Senator.

Before I proceed, I note that Senator MURRAY is in the Senate. I ask unanimous consent she be given 10 minutes directly following my remarks.

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

Mrs. FEINSTEIN. Mr. President, Senator CRAIG rightly stated that management choices are being made right now. That, in fact, is true. We are seeing billions of dollars of an agricultural industry effectively being destroyed. Some of it is competition from abroad, but much of it is the fact that growers and farmers have a 20-percent—it is estimated—labor shortage to plant, to harvest, to prune. There is tremendous uncertainty, I can tell you for a fact, in the largest State in the Union, and the largest agricultural State. Farmers do not believe they can get workers to harvest their crops, ergo they are not planting these crops.

Senator CRAIG and I came to the Senate before. We have written a joint letter to the leader. We have asked, please, because comprehensive immigration reform tends to be stalled, at least pass AgJOBS. An industry depends on it.

We have worked out AgJOBS. It has passed the Senate as part of the immigration bill. Just take out the part that is AgJOBS and pass it. It is a 5-year pilot. It involves the ability of the agricultural industry of our country to get labor, both through H–2A reform, which is contained, and through a 5-year pilot to try to secure a workforce for agriculture.

While I was in California, I had the opportunity to meet with growers and farmers. The cry for labor reform has only grown louder. What I will do is talk a little bit about the micro impact and then the macro impact.

California olive farmers delivered only about 50,000 tons of olives this year. That is down from 142,000 tons last year. So only one-third of the crop could be harvested this year because of a lack of labor. Farmers knew their crops were going to be light because of weather troubles. But even with the smaller crop to harvest, farmers had trouble hiring enough workers to work in their groves.

In Stanislaus County, a farmer by the name of Kevin Chiesa he is a grower and is the president of the Stanislaus Farm Bureau—reported that they simply pulled their fig and peach trees out of the ground because they did not have enough workers to harvest the ripe fruit. Mr. President, 350 acres were pulled on his farm, leading to a net dollar loss of $200,000 and a gross loss of $750,000.

Now, that may not seem like much to some, but it sure is a lot to a farmer

who depends on this money to pay his bank loans and to support his family and pay his mortgage.

In San Bernardino County, Richard Miller of Murai Farms saw his small farm of 130 acres struggle because of a lack of labor. He reported they experienced substantial loss in their strawberry crop, resulting in a half a million dollars in losses already this year. Mr. Miller has been farming since 1962, but the difficulties he has experienced have recently caused him to think about giving up his farm and leaving the profession for good.

Over and over again, I have heard that growers need an immediate fix. They do not know what to plant in the upcoming spring season because they do not know whether they will have the workers necessary to harvest the crops.

I will say that my friend and colleague, Senator BOXER, and I are in sync on this issue. She also has talked to growers and farmers. She also knows the problem. She also has been a strong supporter of the AgJOBS program. So in making my remarks today, I want to be certain that this body knows I am also speaking for my friend and colleague, Senator BOXER.

I have brought to the floor today a graphic illustration of one of our pear growers. Her name is Toni Scully. I have met Toni Scully. I met with her in California and she told me about the problems her family had experienced. Shown in this picture is Toni Scully in her pear orchard. Her family lost 25 percent of their bumper crop this year because they did not have sufficient labor to harvest the pears. As shown in the picture, here are the pears all over the ground. They are all going to be either plowed under or thrown in the garbage. Here is a woman who will have lost essentially everything this year.

Now, other growers tell me they are afraid for the future. They are afraid to plant crops that will later be left to rot in the fields. So some growers are experimenting with moving their farms to Mexico. Last week, the New York Times ran an article that pointed out how much imported produce is now rising above exported produce. And one of the big problems is the produce produced at home is not assured; therefore, more produce is coming in from outside.

This is so shortsighted because we are throwing American families into jeopardy. Farming families cannot support themselves if they cannot produce their crops.

The Grape and Tree League of California—now, this is a big trade organization representing what is a huge grape and fruit tree crop group—they estimate that my State alone—Senator BOXER's and my State—has suffered approximately $75 million in tree fruit and grape loss alone. That is a loss of $75 million.

The American Farm Bureau Federation estimates that if this labor shortage continues, California agricultural production loss could be as high as $3 billion each year in the short term and as high as $4.1 billion in the long term. This is decimating. California agricultural income loss is projected to reach $2.8 billion each year in the long term.

The problem is not just in California. Dairy farmers in Vermont, citrus growers in Florida, others throughout the country, have complained about the labor shortage and the uncertainty it creates for the future.

The Farm Credit Associations of New York estimate that if the labor shortage continues there, New York State will lose $195 million in value of agricultural production and over 200,000 acres in production over the next 24 months.

The American Farm Bureau Federation estimates that if agriculture loses its migrant labor force, the national production loss in fruits and vegetables will be between $5 billion and $9 billion a year. This is not my estimate. This is the American Farm Bureau's estimate. They also say that over the long term, the annual production loss would increase to $6.5 billion to $12 billion each year.

These losses are not just limited to growers. The impact is felt throughout the economy. For every job lost on family farms and ranches, the country loses three to four jobs in related sectors equipment, inputs, packaging, processing, transportation, marketing, lending, insurance—they are all supported by having agricultural production here in this country.

Low-producing farms mean a lowered local tax base as farms no longer generate income and create jobs.

Ultimately, the current farm labor situation is making Americans more dependent on foreign food. Instead of stocking produce grown and harvested in our country, America's grocers are increasingly filling their shelves with foreign-grown produce.

For decades, the fiercely independent fruit and vegetable growers of California, Florida, and other States, traditionally have shunned Federal subsidies. Now, they are now buckling under the pressure and asking us for Federal subsidies.

In just one example, because of labor shortages, U.S. avocado farmers may miss the January market window and lose out to Mexican avocado farmers who will be allowed to import into California in 2007. This will wipe out our local avocado crop. The fact that they cannot get the labor they need to harvest the fruits and vegetables only weakens our whole American agricultural industry.

Now, the reason for the shortage is simple. There is no readily available pool of excess labor to replace the 500,000 foreign migrant workers we have depended on for years. The work is hard. It is stooped. It is manual. The hours are long. To make a living, the laborer must travel around the region, from site to site, working for more than one employer, to coincide with the crop harvesting calendar. The problem is, we do not have enough American workers who are willing to do this job.

This week, Senator CRAIG and I received a letter signed by over 375 agricultural organizations and industry leaders from all over the country urging agricultural reform this year. As they point out, this is not a partisan issue. Every area of the country is affected.

In November, I received a letter signed by 147 growers' organizations and individual farmers. They point out in their letter that they cannot wait another year, that our State's pear growers had an exceptional crop, the best-looking crop in over 40 years, yet they suffered major losses. They point out:

> While the pear losses were the most dramatic among the commodities, other producers suffered as well from delayed harvests, degraded quality and deferred cultural practices.

These crises are a big deal. Farm worker crews in my State during harvest were 60 percent of normal—60 percent of normal. What they say is:

> Pending regulatory changes issued by the Department of Homeland Security propose to turn Social Security Administration's mismatch letters into immigration compliance documents. The proposal would allow DHS to prosecute and penalize employers across this country who do not terminate employees who cannot verify their status.

So, Mr. President, you see the problem. The farmers are going to be prosecuted if they hire someone who is not legal to harvest their crops. And they cannot find legal people to harvest their crops. That is the dilemma.

Further quoting the letter:

> Even though today's employers follow current SSA requirements regarding mismatch letters, they would be in violation of the Department of Homeland Security proposal. If finalized, the DHS proposal will aggravate the current labor shortage problem in agriculture.

Bottom line, we cannot continue the way we are going. That is why Senator CRAIG and I have come to the floor. He has worked on this bill for 7 years. I finally got involved and we made some agreed-upon changes. I was able to introduce it in the Judiciary Committee as part of the immigration bill with these changes. We were able to address H–2A reform—and I will go into that in a minute—and it passed the Senate. And, as I say, we believe we have in fact 60 votes in this House.

The letter I spoke about and quoted from is signed by the Allied Grape Growers; California Association of Nurseries & Garden Centers; California Association of Wheat Growers; California Association of Winegrape Growers; California Bean Shippers Association; California Citrus Mutual; California Cotton Ginners & Growers Associations; California Egg Industry Association; California Farm Bureau Federation; California Fig Advisory Board; California Floral Council; California Grape and Tree Fruit; California Grain

and Feed Association; California League of Food Processors; California Pear Growers Association; California Seed Association; California State Floral Association; California Warehouse Association; Far West Equipment Dealers Association; almost every county farm bureau; Nisei Farmers League; Olive Grower Council of California; and on and on and on, with different farms, grape growers, olive growers, cotton ginners, poultry farmers—pages and pages of people pleading with us to do something. And we do nothing.

We will not repass a bill that has been passed by this Senate once, and we are in the middle of a major crisis. So I am kind of at my wit's end.

Let me tell you a little bit about the AgJOBS bill. It is a 5-year pilot. It would provide a one-time opportunity for trained and experienced agricultural workers to earn the right to apply for legal status. It would reform the H–2A visa process so that if new workers are needed, farmers and growers have a legal path to bring workers to harvest their crop. Workers can apply for a blue card if they can demonstrate with records that they have worked in American agriculture for at least 150 days within the previous 2 years.

I can see my time is running out. May I have a couple minutes more to sum up?

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senator from California be allowed to proceed for at least 5 more minutes.

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

Mrs. FEINSTEIN. Thank you very much.

The blue card would require that they work in American agriculture for an additional 150 workdays per year for 3 years, or 100 workdays per year for 5 years. At the end of that time, they would be able to obtain a green card. Over the 5 years, it would apply to 1.5 million individuals, which would provide a stable, ongoing workforce for the United States. Workers would be required to pay a fine of $500, show that they are current on their taxes, that they have not been convicted of a crime that involves bodily injury or harm to property in excess of $500. Employment would be verified. The program would be capped and sunset.

The Department of Homeland Security would ensure that the ID cards are encrypted, that they have biometric identifiers, that they contain anticounterfeiting protections. So you would be able to identify 1.5 million people who are currently illegal. You would know who they are. You would know they are now legal. You would know they were working in agriculture, which desperately needs them.

We would also streamline the current agricultural guest worker program, the H–2A program, which is now unwieldy and ineffective. The bill would shorten the labor certification process, which now takes 60 days or more, reducing the approval process to 48 to 72 hours.

There are a number of specifics. It freezes the adverse wage rate for 3 years, to be gradually replaced with a prevailing wage standard. The H–2A visas would be secure and counterfeit resistant. In this way, agricultural labor would have a permanent workforce and you would have a secure guest worker program, H–2A, where necessary, to go in to areas for short periods of time. It is a win/win situation. It has passed this Senate.

The losses are in the hundreds of millions of dollars across the Nation, and we do nothing. We stiff the American agricultural industry. I have a hard time understanding that. I know the votes are here to do it. We could probably do it. Through the Chair, I ask Senator CRAIG, does he not believe we could pass this bill with maybe an hour on the floor of the Senate.

Mr. CRAIG. I thank the Senator for asking the question. This is not an unknown issue. We all understand it. The Congress understands it. The election is over. People can decide whether they survived or failed because of their position one way or another on immigration. The reality of what she and I talk about is so real today. We knew it then; we know it now. We have the 60 votes. We have had them for some time. There is no question in my mind, with the reforms we are talking about, this could become law and we could pass it in the Senate.

Mrs. FEINSTEIN. If I may, the letter we wrote to Leader FRIST asking that it be calendared, has the Senator received a response? Because I have not.

Mr. CRAIG. I have not either. Obviously, we are in the closing hours of the 109th Congress. Whether we could get it done now, but more importantly, get it done when we get back very early in the year, is going to be critical to us.

Mrs. FEINSTEIN. That is the point. We did not just write this letter. Perhaps the frustration is showing today. It would be my hope we could get this calendared sometime in January and get it passed so that the spring plant can happen all throughout this Nation. Otherwise, I can only tell you, in my State, farmers who can are going to go to Mexico. Farmers who can are going to plant in Mexico. Is this what we want to have happen? I don't think so.

I thank Senator CRAIG for his longstanding work on this issue and for his leadership. When one comes to the floor of the Senate, sometimes one thinks nobody is listening. I hope somebody is listening. I hope people recognize that we have a huge industry out there. It needs attention. It needs a workforce. Americans will not do this work. Therefore, it is a migrant workforce that does the work. There is a methodology to legalize it, to limit it, to sunset it, and to fix what has been a broken H–2A program and in a bill that has already passed the Senate once already during the 109th Congress.

I thank the Chair and my colleague from Idaho.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I ask unanimous consent that following my remarks, the Senator from Maryland be recognized.

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

A TERRIBLE LEGACY

Mrs. MURRAY. Mr. President, I am here because families across this country are going to be hurt because this Republican Congress has not done its job. We have all heard that this session of Congress is a do-nothing Congress. It has earned that title. But there is one thing everybody ought to understand. When Congress doesn't do its job, it makes it harder for all Americans to do their jobs, whether it is teaching our children or providing health care or improving transportation or making our communities safer.

This may seem like a debate over process, but it affects you. If you fly on an airplane and are concerned about your safety, it affects you. If you drive on a highway and are concerned about traffic congestion, this affects you. If you want our Government to stop the flow of money to terrorist organizations, this affects you.

Today I want to share with the Senate a few examples of how it is going to hurt because the Senate Republican leadership has not done its job. I want to point out how it is going to hurt the priorities in my State of Washington, from their fight against drugs and gangs to the cleanup of the Hanford Nuclear Reservation. This Republican Congress's failure is going to make it harder for all of us to do our jobs next year, and that is a terrible legacy for the Republican leadership to leave our country.

Every year Congress has to pass its annual spending bills. They fund our Government. We work very hard on those bills. We craft them so they meet the needs that our constituents tell us about, on everything from health care to transportation to education. Sometimes it takes a while to finish those bills, but we get them done. Then the country is able to move forward. This year it has been very different. We did our work on the Appropriations Committee, but then the Senate Republican leadership blocked our progress. I serve on that Appropriations Committee. We did our job on time in a bipartisan manner back in July, under the leadership of Senators COCHRAN and BYRD. We completed work on 11 appropriations bills and sent them to the Senate floor.

Here is what is impressive. Every single Senator on the committee voted to report each and every bill. But since then, the Senate Republican leadership blocked our progress. They decided to only let 3 of those 11 bills move forward. Those bills cover extremely important functions—defense, homeland security, and military construction—but they are just 3 of the 11 bills. What about the needs of our communities? What about the needs of our schools

and colleges and universities? What about the support of health research or investing in infrastructure or meeting the needs of our farmers or ranchers or law enforcement? Those are critical needs. The Senate Republican leadership decided this past summer that they could go on the back burner.

Never in my 14 years in the Senate have we started a new fiscal year with so little progress in the Senate in passing the appropriations bills and funding the critical functions of Government. Nine weeks ago we entered a new fiscal year. I came to the floor at the time to complain about the unfinished business of the Senate and expressed my disappointment that we were recessing for the elections without moving these bills. I always thought we would come back and the Republican leadership would finish its work this session. But they have made a different choice. It is now December 7. We have not seen one additional funding bill clear the Senate. And we are now hearing talk that the Republican leadership may formally adjourn the Senate by the end of this week, with most of the 11 appropriations bills never being sent to the President.

I think it is worth remembering that when this happened last time, there was a major shift of power back in November of 2002. I was serving at the time as chair of the Transportation Appropriations Subcommittee. After the election, just as now, the appropriations process was not complete. But Democrats still worked to fulfill our responsibility by moving bills on the floor and sending them to conference. Unfortunately, we were blocked from completing our job. The Republican leadership that was due to come into the majority in January of 2003 prohibited us from moving those bills forward. They decided they wanted to complete the appropriations process when they were in control.

This year Democrats are taking a different approach. We should complete the appropriations process now, because it is important to America's families and communities. We are already 2 months into this fiscal year. The American people are paying a price for these delays. Democrats are willing to complete this process now, even under Republican control, because we believe the American people have waited long enough. Unfortunately, the Republican leadership didn't get the message. Now American families are going to pay the price of this negligence.

Some Senators have been suggesting that we simply pass a continuing resolution for the next entire fiscal year and everything will be fine, claiming there is no real difference between passing these bills we have worked so hard to put together and putting Government on auto pilot for a full year. There is a big difference. This country will pay a price under that scenario for airline safety.

Under a full year's CR, my colleagues should know we will only be able to hire half of the air traffic controllers we need, and we will not be able to hire the air traffic safety inspectors who are desperately needed. We are going to pay a price in highway safety because we are not going to be able to reverse the recent increase in traffic fatalities. We are going to pay a price in the fight against terrorism, because we are not going to be able to fund the Treasury Department's efforts to stop terrorist financing. And we are going to pay a price in educating our kids and improving our communities and training our workforce. Everywhere you look, we will pay a price if we fail to do our job.

The Republican mismanagement will hurt my State of Washington, from the fight against drugs and gangs to the cleanup effort at the Hanford Nuclear Reservation. If you sit down with law enforcement officers in my home State, as I have, they will tell you they are facing a methamphetamine epidemic. It is destroying families and communities, and law enforcement needs help to deal with it. Over the past few years I have worked to provide funding each year for the Washington State meth initiative. It is a coordinated Statewide effort that focuses on cleanup, treatment, prevention, and law enforcement, and it is a great model for other States. Again, this year in the Senate bill, I got a commitment to support my State's meth initiative. But now this funding is going to be delayed and put in jeopardy because Senate Republicans have refused to do their job and pass the Commerce-Justice-State spending bill. Because Republican Senators are not going to do their job, they are going to make it harder for police in my State to do their job, and that is wrong.

This failure to act will also delay and put at risk support for an antigang program in Yakima Valley. Back on October 16, I was in Yakima at the police department for a meeting with two dozen local officials, law enforcement, and prosecutors. They told me about the tremendous challenges they were facing, and the top issues on their list were meth and gangs. I heard their message, and I have fought for a commitment in the Senate to support a community-based gang task force. That funding is needed immediately. Now I have to go back to Yakima and tell those hard-working leaders that the funding I got was delayed and put at risk because Republicans don't want to do their jobs and pass the annual spending bills. People in my State deserve better than that.

Let me offer another example of how the Republicans' failure to do their jobs is hurting my State. Our Government has an obligation to clean up the Hanford Nuclear Reservation in Richland, WA. As I speak, that community is working hard to clean up nuclear waste, protect the community, and the environment. Here in the Senate I have fought for the funding we need to keep that cleanup moving forward. But now the Republicans are refusing to move the Energy and water bill. As a result, funding for Hanford cleanup is going to be delayed. That means it is going to take longer, and it will cost more money. The Republican leadership is going to have to explain to the people I represent in the Tri-Cities and throughout my State why Hanford funding is being delayed. They are going to have to answer for their failure to act on these and other priorities.

It doesn't have to be this way. Rather than spending the month of July and September debating unrelated bills for political reasons, we could have been debating these appropriations bills that are critically needed for our Nation's safety and security.

We could have been fighting for the people we represent. We could have been meeting their basic needs and protecting their livelihoods and ensuring their safety. Unfortunately, the Republican leadership said ''no,'' and now our families are going to pay a price.

I think this Senate deserves better, but more important, the people we represent deserve a lot better.

I yield the floor.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I want to compliment the Senator from Washington State for commenting on the law enforcement aspects that are going to be lost under the way we are proceeding because she is absolutely right. I say to the Senator before she leaves the floor, that is in the Commerce, Justice, Science Committee, on which I am currently ranking member. We worked on a bipartisan basis—Senator SHELBY and I—to produce the bill that would have given the financial tools to local enforcement to fight the meth epidemic, the gangs that are coming, all with the most grim and ghoulish approaches in our local communities.

But we are saying, you know what, we are cutting and running. So we are cutting their budget, and we are running out of here. That phrase ''cut and run'' has been used so cavalierly, but I am telling you that is exactly what we are doing now. We are cutting and running from our responsibility to fund the programs that meet compelling human needs in our own States, in our own country, as well as those things that help with the national security, such as funding the FBI and to the security in our own communities. We are talking about meth and gangs, but I know the Senator feels as strongly as I do about sexual predators. We worked with Mr. Gonzales, the Attorney General, in terms of a very good antisexual predator approach, with listing and watch lists and those things that, again, empower the local law enforcement. We have a program that helps sheriffs.

So if we want to bring in the posse, we have to bring in the bucks. What I like about the sheriff initiative is it is in every community, not only urban

areas but also out in the rural areas. But, oh, no, we have to get home. Well, I think we have abdicated our responsibility. I thank the Senator for what she has said.

Mr. President, we are abdicating our responsibility, and in abdicating our responsibility to pass the outstanding appropriations bills, we are having a very dire impact on our own country. Of the 12 appropriations bills, only 2 have passed. One is Defense and one is Homeland Security. I am so glad that we did pass those and we did them in a responsible way and in a timely manner. But one can say, then, we met our national security responsibilities. Well, not the way this Senator sees it. The national responsibility for national security also comes to our own FBI, comes to local law enforcement, comes to our U.S. Attorney's Offices, and we are walking away from this.

The voters have said they want us to change the tone and they want us to change the tempo. I can honestly say that working in Commerce, Justice, Science Appropriations, we have had an outstanding tone. I compliment my current chairman, Senator SHELBY from Alabama. Gosh, we worked so well in producing our appropriations bill. The Senator from Alabama made sure I was consulted, along with my staff. We worked on the compelling needs that must be funded but in a fiscally responsible way. That subcommittee doesn't need to change the tone, but, wow, do we need to change the tempo. Not because of what SHELBY and MIKULSKI did. We did our bill; we finished it. We have moved it out of the committee. It is now ready to go to the Senate floor. We did it on a bipartisan basis, and we feel confident, each of us and our members, of the bill we produced. So we are ready to go. We are similar to a plane circling the airport, but we are running out of fuel.

I am concerned particularly about those programs affecting the FBI and Federal law enforcement agencies, as well as the locals. The FBI to the sheriffs are going to be shortchanged, resulting in, I think, very serious consequences. We use budget-speak, Senate-speak with words such as ''CR'' and ''omnibus,'' but whatever we are talking about, the fact is we are not finishing our job, when we could have done it if there was a willingness from both the House and the Republican leadership to move these bills. Many of them have been worked out—again, on a bipartisan basis.

I come to you today with my great concern about the global war against terrorism. I am a member of the Intelligence Committee, I am on the Appropriations Committee and I am also a member of Defense Appropriations, Homeland Security and also currently ranking—and soon to be chair—of the Subcommittee on Commerce, Justice, Science and Related Agencies that funds particularly the FBI. I live, along with my constituents, in the national capital region. We are a high-risk area. So we are committed to national security—whether it is the Port of Baltimore or whether it is Bethesda, whether it is the Naval Academy and looking out for them, but we need these resources. Sure, we need to fund defense and homeland security, but don't we need to fund the FBI? The CIA can spy around the world, but ultimately any information to come back and protect us against predators here comes through the FBI. The National Security Agency—hopefully, completely within the law with reforms that need to be made—can pull out these ''cyber snitches,'' with the Internet, that is going on somewhere in the Middle East and prevent those attacks. We are proud of what they did in working with our British counterparts in London. No matter what happens over there, when it comes back here, the FBI needs to protect us. But, oh, no, we have to get home. That is what I mean about cutting and running. We are cutting and running.

When we do what we are about to do soon, the FBI will be short $100 million. What does that mean? Well, it means that the FBI will not be able to maintain the operations tempo that they have achieved since September 11. It means that they will not be able to hire and keep the agents that they have, including the important linguists. We have had to recruit people who can speak Farsi and a whole variety of other languages that are not well known and available in our universities. But Director Miller went out and found them. They are ready to go. They are already being trained. But we are saying: Oh, no, we cannot hire you now because the Congress had to go home. They have to cut and they have to run. Let me tell you, linguists, even though the private sector will hire you for more money, at an easier lifestyle, we know you were ready to join the FBI, but we have to go fa-la-la, fa-la-la somewhere. This is outrageous.

That is the basic kind of thing that will directly impact on our ability to fight terrorism here at home. It is what we said during the 9/11 Commission about the famous watch list and emerging technology. We have been working on the integration of the fingerprint systems between the FBI, DHS, and also Immigration, to make sure that we truly are stopping the people we need to stop who are trying to get into this country. But, oh, no, we are going to delay that and other technological improvements that the FBI so desperately needs. We are shortchanging the FBI.

Then, when we look at the global war against terrorism and how it is acted out in our own communities, I salute the U.S. Attorney's Office. For them, this CR and this cutting and running we are doing will essentially mean that the U.S. attorneys will be again shortchanged. In my own State, they run something called the Joint Terrorism Task Force. It is the U.S. attorney who gets all of the stakeholders in the same room, providing important legal guidance to all of the police chiefs, certainly, in the Baltimore area, and those involved in port security and local law enforcement. The people from the Governor's office run that. Whether it is in the national Capitol region, that we are in, or L.A. or New York, our U.S. attorneys run these forces. The local people love it, and they are part of the global war against terrorism because we don't have enough FBI agents, but with enough cops on the beat, we can do that. So we are shortchanging the U.S. Attorney's Office.

Let's go to the Bureau of Prisons. We are going to lose correctional officers. We might say that they are just thugs anyway. Let's talk about those ''just thugs anyway.'' Right this minute, we are very concerned and have significant flashing yellow lights about the fact that right now in our Federal prisons there could be underground recruitment efforts going on to recruit people for terrorism or for these Latin American gangs, such as M–13. Talk to the head of the Bureau of Prisons and to the Attorney General. We have to stand centrally with own Federal prisons that we do not become the incubators not only of thugs but of terrorists and terrorizing gangs in our local communities.

When I talk about grim and ghoulish, I am going to use an example that is difficult to bring to the Senate floor. In my own State, there was a gang attack, where they cut off the arms and legs of a victim, using a machete. I could describe more ghoulish things, but I will not offend civilized people to give those examples.

We have to get serious. Are we going to fight the global war against terrorism or are we going to cut and run from the appropriations? Are we going to stand up for our FBI or cut and run from our duty? Are we going to stand up for Federal law enforcement, such as the Bureau of Alcohol, Tobacco, Firearms and Explosives, who are working here and helped us catch the snipers and are working over there so we can deal with the IEDs that are killing our troops? Are we going to stand up for the DEA that is fighting drugs on the street corners of our communities and dealing with the drug problems in Afghanistan, with Mr. Karzai, that is now funding the Taliban? Oh, no, we have to cut and run.

Well, I am opposed to this strategy. I oppose this do-nothing Congress. We could do the job. I worked with my Republican colleague and, I must say, he worked with me. We don't have to worry about changing the tone, but we sure have to change the tempo. That is why the voters made a change in the Congress. So we are going to have to swallow this, but I will tell you that they can count on BARB MIKULSKI not to cut and run from her duty, her responsibility in fighting the global war against terrorism and the thugs and bums on our streets in America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I ask unanimous consent that I may speak as in morning business for up to 15 minutes.

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

SENATE SERVICE

Mr. DAYTON. Mr. President, it has been almost 6 years since I was sworn in as Minnesota's 33rd U.S. Senator with my friend and colleague Paul Wellstone at my side. I began my term hopeful and optimistic. The Senate was evenly divided, with 50 Democrats and 50 Republicans, and President-elect George W. Bush was promising to change the tone in Washington with a new era of bipartisan cooperation.

Our country enjoyed peace and relative prosperity. Outgoing President Bill Clinton, a Republican-controlled Congress, and over 6 years of economic expansion had combined to create the first annual surpluses in the Federal Government's on-budget account in 39 years, and they were projected by OMB to continue for at least the next decade.

The Social Security trust fund's annual surpluses were going to be saved in a lockbox for the upcoming retirements of a large baby boom generation. There was even discussion of paying down the national debt to further strengthen our financial position. Yet we still would be able to increase funding for such essential needs as public education, affordable health care, seniors' drug coverage, and infrastructure improvements.

Just 6 years later, our country's condition has changed drastically, and mostly for the worse. We are mired in a disastrous war in Iraq despite the heroic efforts and sacrifices by our Armed Forces. The fiscal integrity of the Federal budget has been destroyed, with record-high annual deficits continuing, despite budget gimmickry and a modest economic recovery. The Federal tax base has been decimated by huge tax giveaways to the rich and superrich that will burden our children and grandchildren. The Social Security trust fund's surpluses have been spent every year on what the nonpartisan Concord Coalition has called ''the most reckless fiscal policy'' in our Nation's history.

The Bible says if the leaders don't lead, the people perish. Unfortunately, the Bush administration and the Republican majority in Congress have not led this country well, and our people are suffering the consequences: lost jobs, businesses, and farms; lost incomes, standards of living, and security; and lost loved ones killed or maimed in Iraq.

We have lost the national unity which followed the terrible atrocities of September 11, 2001, and the Bush administration has lost the world's support which they had after that awful attack. The President's decision to invade Iraq unilaterally, the absence of weapons of mass destruction that had been the initial justification for that invasion, and his administration's disastrous mismanagement of Iraq following the overthrow of Saddam Hussein has squandered most of our national unity and international goodwill.

The CONGRESSIONAL RECORD will show that I opposed those failed policies and supported other and better alternatives. I was 1 of 23 Senators to vote against the Iraq war resolution. I opposed the large tax giveaways to the rich and superrich. In fact, during my 6 years in the Senate, I voted 29 times to raise my own taxes. Why? Because our country needs those tax revenues, and I can darn well afford to pay my fair share of them, as can all other Americans with my good fortune.

I tried seven times unsuccessfully to get the Senate to honor its 30-year promise to school districts and schoolchildren and fully fund special education. The Senate did pass my ''Taste of Our Own Medicine'' amendment limiting Members of Congress's prescription drug coverage to what they provided to senior citizens through Medicare. However, my amendment was discarded by the House-Senate conference committee.

It has pained me deeply to see the Senate's majority lead our country into what I consider the wrong direction. Our Nation's founding principle was ''we the people,'' and it remains so today. If we are not always united by the common cause, we are bound together by a shared destiny. If the laws this Senate passes are successful, ''we the people'' benefit together. If those laws fail, we suffer together. Some Americans will suffer more than others as unfair victims of social and economic injustices, but ultimately all Americans cannot escape our common national fate. United we stand and succeed; divided we fall and fail. I regretfully believe that during my Senate term this administration and its congressional followers have caused too many divisions, declines, and failures.

Thus, I leave the Senate with strong feelings of frustration and disappointment. I have been unable to pass most of what I believe was most important to Minnesota, to our country, and to the world. I remain convinced that those policies would improve the lives of most Americans far better than what the majority here enacted.

A cornerstone of democracy, which I honor, is that the majority prevails. Winning, however, does not make them right and, unfortunately, it does not make them wise. In those decisions with which I have disagreed, time will tell us and the American people who was right and who was wise.

I do want to thank my colleagues on both sides of the aisle for the privilege to serve these last 6 years with them. I am grateful for the friendships I have made, which I hope will continue after my departure.

I thank my excellent staff, those here in Washington and those in Minnesota, for their tremendous dedication and many hours of hard work. Most of the successes I have enjoyed here have been the result of their dedication and their abilities, and I thank them again for their support.

I especially want to thank the people of Minnesota who gave me this extraordinary opportunity to serve them in the Senate. Our democracy is, through all of human history, throughout the entire world, the most advanced and successful form of self-governance that human beings have ever devised. It is far from perfect, but it is far better than anything else. We who are elected as its leaders and its stewards have sacred duties to uphold its principles, to elevate its policies, and to improve its practices before we bequeath them to our successors. I have done my very best to fulfill those duties before I pass them on to my outstanding successor, Senator-elect Amy Klobuchar. We in the Senate and in the House of Representatives also have the duty to serve the best interests of all Americans. To be successful and sustainable, our Government must improve the lives of all of our citizens.

Unfortunately, here in Washington, the people who already have the most keep getting more than anyone else. The excessive influences of their money and political power on the Federal Government are serious threats to our democracy. They skew decisions and laws in favor of the rich and powerful, often at the expense of other Americans: the hard-working people who pay their taxes and hope their elected representatives will look out for them in Washington. It isn't too much for them to expect. However, it is too often more than they are getting.

They are told repeatedly that new laws and policies will improve their lives. Yet their real lives become worse, not better. They experience a deep disconnect between what they are told will happen and what is actually happening to them.

In attempts to hide those disparities, the words used in Washington are often carefully selected by very clever people in order to disguise reality rather than to describe it. For example, legislation that stripped many Americans of their bankruptcy protections for major medical expenses was named the Bankruptcy Abuse Prevention and Consumer Protection Act. Another bill that would have increased industrial pollution was entitled the Clear Skies Act. No Child Left Behind has knowingly underfunded Head Start, title I, and special education, which has left millions of schoolchildren behind.

These discrepancies and the disparities they create will be even more destructive to the American people's trust in their Government in the years ahead. That is because the choices facing Congress will become even more difficult as the needs of an aging population grow but revenues do not. In

about a decade, the Social Security trust fund's large annual surpluses will be replaced by deficits, and its IOUs from the general fund will add to that fund's own chronic deficits. If combined with today's enormous and unsustainable balance of trade deficits and a continuing erosion of our manufacturing job base, the consequences could be catastrophic.

That somber forecast has replaced my hope and optimism of 6 years ago to my deep regret. Following the wisdom of ''speak truth to power,'' I present my truth to the world's most powerful legislative body, the U.S. Senate, and one of the two institutions that must act to keep our Nation strong. I hope that you will. I will pray for your wisdom to discern what is right, for your courage to act accordingly, and for your success on behalf of our great Nation and the world.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, for one final time, I wish to address the nominee before us, Dr. Von Eschenbach, who is up for Commissioner of the Food and Drug Administration and who I think should not be approved for the position by the Senate.

I have considered Dr. Von Eschenbach's performance on the job for more than a year now because he was appointed Acting Commissioner in September of 2005. In fact, over the last year I have closely monitored his actions, reactions, and his public and private comments to the FDA staff and to the public.

This nominee inherited a Food and Drug Administration plagued by cultural and structural and personnel problems, and I surely do not blame him for the problems, but I have to look at whether he is the person to correct those problems. Because this agency is plagued by these cultural and structural and personnel problems, FDA is in desperate need of a leader, a leader who can not only restore the public's confidence in the agency but also restore the agency's confidence in itself.

I met with Dr. Von Eschenbach more than once. We talked, and he seemed to be very nice. He has, of course, without dispute, excellent credentials. He promised me full cooperation in my oversight work I was doing and the investigations I was doing, but, in fact, it did not happen. Instead, I had to issue two subpoenas. So far, he has not complied with those subpoenas which were issued 7 months ago. This reflects a lack of respect for the authority of Congress conducting its constitutional responsibility of oversight of the executive branch of Government.

In addition, under Dr. Von Eschenbach's leadership, the FDA remains in a state of denial about all these cultural problems to which I have referred. A coherent action plan to address the problems is nowhere to be found. Dr. Von Eschenbach has told me that there is room for improvement in the area of technology, but it does not appear that he understands the depth and breadth of problems affecting the Food and Drug Administration.

The FDA is in serious trouble, and I am not the only one saying so. Over the last year, we have heard from the Government Accountability Office, the Union of Concerned Scientists, and just a few months ago we had a scathing report from the Institute of Medicine.

The Institute of Medicine completed a $3 million, 15-month study and set forth 25 recommendations. This report by the Institute of Medicine conveys a sense of urgency to fix the problems. Just last month at the Health, Education, Labor, and Pensions Committee hearing, the chairman of the Institute of Medicine committee that produced the report said:

> If there ever was a time that it was critical to address these issues, it is now.

The next Food and Drug Administration Commissioner must be a person who not only has excellent credentials, as I have said he has, but who also will accept the criticism of the agency and develop coherent solutions.

Here is what the Institute of Medicine reported:

> The committee believes that cultural changes are urgently needed to support a stronger, more systematic and more credible approach to drug safety in the Center of Drug Evaluation and Review and it recommends solutions to the problems created or exacerbated by the elements of the Center's management, structure and environment.

Now a short quote:

> Many have observed signs of an organizational culture in crisis.

Another quote:

> The Center's leaders have to be prepared to address the underlying cultural problems that divide and impair the optimal functioning of the Center's staff and effectively use the existing and new authorities and resources to achieve the Center's public health and regulatory mission.

These criticisms of the Food and Drug Administration have come from outside the agency, not from whistleblowers reporting to me. But I also continue to hear from these employees inside and also from managers inside the Food and Drug Administration who were concerned about the integrity of the Food and Drug Administration's work. What is also troubling is that some of these employees have experienced intimidation or reprisals for voicing legitimate concerns.

I have fought long and hard over the last two decades to protect the rights of numerous whistleblowers who expose fraud, waste, and abuse. When I met with Dr. Von Eschenbach in March, he told me that he was ''committed to whistleblowers.'' Yet his actions seem to suggest otherwise.

The worst example may be when Dr. Von Eschenbach ordered a meeting with the FDA staff after the press reported information that was critical of how the FDA handled safety issues with the drug Ketek. I keep referring to Ketek because it is a drug involved in the death of an 18-year-old boy in Cedar Rapids, IA. As I understand it, Dr. Von Eschenbach sent a clear message at this staff meeting. Some suggested that this attempt was simply to boost morale among FDA employees, but some longtime FDA employees saw it differently. They took his word that anybody who spoke ''outside the locker room'' might find themselves ''kicked off the team''—literally. And I don't blame them for taking offense at that. People are trying to do their job, and you talk about what is wrong and you might be fired for it? People like that ought to be upheld and honored. In the final analysis, they ought to have their concerns addressed within the agency and not have to come to those of us in Congress because they are not getting any ear in the agency. So they took his message to mean: Your career is in jeopardy if you happen to come to Senator GRASSLEY or outside the agency or to any Member of Congress. To me, it shows his poor judgment and intolerance for dissenting opinions and also for what is basic to American government, that the public's business ought to be public.

Dr. Von Eschenbach also told me that he was a man of ''discipline, rigor and precision.'' Those are his words. He used those same words in a speech:

> We will retain all the rigor, all the discipline and all the precision of regulation, but our efforts will be geared so that things can move faster rather than slower.''

We can all agree that new drugs and devices should be available to the public as soon as possible, but there is also the issue of safety and the protection of the public. The FDA must do its job and ensure that the drug's benefits outweigh its risks before approval.

My other concern regarding Dr. Von Eschenbach is that he assured me of his commitment to respond promptly to requests from Congress. That is a promise which was never kept. So do I have a reason to be concerned about this person, regardless of the very good credentials he has? My oversight of the FDA has consequently been slowed by inaction on the part of his agency. In fact, he has not responded to a letter I sent to him 9 months ago, and my requests for interviews with some FDA officials were ignored for more than 3 months and some still have not been scheduled. As Acting Commissioner, he has ignored congressional requests, and I do not expect that will change if he is confirmed by the Senate.

Before I close my remarks, I ask unanimous consent to have printed in

the RECORD the full text of a letter I sent to the Acting Commissioner in September.

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

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, September 20, 2006.

ANDREW C. VON ESCHENBACH, M.D.,
Acting Commissioner, U.S. Food and Drug Administration, Rockville, MD.

DEAR DR. VON ESCHNBACH: As a senior member of the United States Senate and as the Chairman of the Committee on Finance (Committee), it is my constitutional duty to conduct oversight into the actions of executive branch agencies. For nearly three years, I have been investigating matters related to, among other things, the safety and efficacy of products regulated by the Food and Drug Administration (FDA or agency).

I have reviewed and questioned how the FDA handles the pre-market review and postmarket surveillance of drugs, biologics, devices and veterinary medicines to assess whether or not the agency is fulfilling its mission to protect the public health. Additionally, I have worked to give voice to the concerns of a number of rank-and-file scientists and FDA managers who share a common complaint: a deep-seated cultural divide exists within the FDA, and it has led to systemic problems that plague the agency. Together we have shed sunlight on how frequently differences of scientific opinion are quashed, the nature of the cozy relationship between the FDA and the industries it is supposed to regulate, and the failure of the agency to be adequately transparent and accountable to the public.

Others also have identified serious leadership problems at the FDA. Editorial pages of publications across the nation, including a number of the most esteemed scientific journals, have recognized and expressed outrage at the FDA's failures in recent years. The Government Accountability Office (GAO), the independent and non-partisan agency that works on behalf of Congress and the American people, has also identified serious and systemic problems at the FDA. Still, the most powerful messages come from the increasing numbers of current and former FDA personnel, who often come forward at great personal and professional expense to express their disenchantment that the FDA has lost its way and ''sold out'' to the industries it is charged to regulate.

In the face of such criticism, the FDA appears to be focused on damage control rather than addressing its core problems. As a science-based agency, the FDA is remarkable for its lack of introspection, second-guessing, and failure to assess its own performance and capabilities in a systematic way. Despite all the recent criticism, the agency does not have a comprehensive plan of action in place to address its weaknesses. Instead, the FDA comes off as an agency in denial that chooses to keep its head in the sand in the hope its problems will go away. I am writing this letter to encourage you to establish and implement a resuscitation plan to restore the FDA's credibility in the mind of its own employees and the American public. An agency that hemorrhages whistleblowers is an agency needing critical care. The following concerns are by no means comprehensive, but they illustrate several common themes of my oversight of the FDA.

SUPPRESSION OF SCIENTIFIC DISSENT

I am very troubled by FDA's attempts to suppress scientific dissent by muzzling its own scientists. Such actions by the FDA show a lack of respect for the dedicated scientists working at the agency and a lack of respect for the scientific process.

In February 2004, the FDA held an advisory committee meeting to discuss whether or not there was a link between some antidepressant drugs and suicidal behavior in children. Dr. Andrew Mosholder, the FDA's expert on this matter, concluded that there was a link. However, his FDA supervisors disagreed and canceled Dr. Mosholder's presentation to the advisory committee. Instead, Dr. Mosholder was given a script by his supervisors to read if he were asked why he was no longer presenting before the advisory committee.

Similarly, in February 2005, Dr. David Graham was finishing a study on Medicaid patients taking COX–2 inhibitors and was told by his supervisors that he could not present his findings regarding these drugs at an upcoming advisory committee meeting. The scientific process ultimately prevailed, but only after then-Acting Commissioner Lester Crawford overruled Dr. Graham's supervisors to allow him to present his findings. This was not the FDA's first attempt, however, to muzzle Dr. Graham. Several months prior to the advisory committee meeting, Dr. Graham went public with allegations about the FDA's mishandling of the COX–2 inhibitor Vioxx, which was manufactured by Merck & Co, Inc. (Merck). According to Dr. Graham himself, as well as information and documents obtained by the Committee, senior FDA officials attempted to intimidate him so he would not testify about the adverse cardiac effects of Vioxx before Congress. The FDA also tried to prevent the publication of Dr. Graham's findings in Lancet.

In July 2005, the FDA approved the Vagus Nerve Stimulation (VNS) Therapy System, a medical device for treatment-resistant depression (TRD), even when FDA scientists could not determine if the device worked. Rather than allow the scientific process to dictate FDA's decision, a senior FDA official overruled a team of more than 20 FDA scientists, medical officers, and management staff who recommended against approval of the device based on their comprehensive scientific evaluation of the sponsor's application. In addition, while the FDA has publicized differences of scientific opinion within the agency regarding controversial regulatory decisions in the past, in this case, the FDA did not publicize scientific dissent regarding the effectiveness of the VNS Therapy System for TRD.

More recently, my office was approached by yet another FDA scientist who is being prohibited from submitting an article to a major scientific journal despite the fact that an appropriate disclosure statement would be made.

COZY RELATIONSHIP WITH INDUSTRY

I have frequently criticized the FDA for its relationship with the industry, which I believe is far too cozy. The FDA needs to distance itself from the industry and return to its role as regulator, not a facilitator. Despite findings from a Merck study that heart attacks were five times higher for Vioxx patients than for patients on another drug, nearly two years passed before label changes were made. The overriding concern of the FDA should have been the health and safety of the American people. However, while the FDA was negotiating label changes with the company, patients and doctors remained largely unaware of the cardiovascular risks. In addition, Merck was aggressively marketing Vioxx during that time.

Another troubling example of FDA's coziness with industry is the removal of Dr. Victoria Hampshire, a drug safety reviewer, from the review of ProHeart 6, a heartworm prevention drug for dogs. Dr. Hampshire was reassigned following the drug company's presentation of findings from its private investigation of Dr. Hampshire after the company met with then-Commissioner. It appears the purpose of that investigation was retaliatory and an effort to discredit Dr. Hampshire. The company's investigation led to a criminal investigation by the FDA; however, the investigation resulted in no action taken against Dr. Hampshire. In fact, Dr. Hampshire subsequently received an award for her job performance related to ProHeart 6.

Unfortunately; it appears that Dr. Hampshire is not the only FDA employee who was the target of a company's campaign to discredit individuals who may present impediments to its agenda. Two months ago, I wrote to the Department of Health and Human Services Office of Inspector General (HHS OIG) to investigate whether or not one or more FDA employees conspired with Merck to discredit Dr. Graham and/or call into question Dr. Graham's allegations regarding the safety and efficacy of Vioxx. FDA's handling of the antibiotic Ketek is another example where the FDA appears to have accommodated a drug company despite the fact that the company submitted fraudulent data from a safety study to the FDA and repeatedly provided incomplete safety information. What baffles me even more is the fact that the FDA continued to cite Study 3014 in publicly released safety information for Ketek even after its Division of Scientific Investigations concluded that Study 3014 involved ''multiple instances of fraud'' and that ''the integrity of data from all sites involved in [the] study . . . cannot be assured with any degree of confidence.''

PRESSURE TO ALTER OR EXCLUDE INFORMATION

Not only has the FDA disregarded and downplayed important concerns and warnings from its own scientists, but FDA supervisors have also pressured some of these scientists to change their findings or conclusions regarding the safety and/or efficacy of a product. Most notably Dr. Mosholder and Dr. Graham, among others, have been pressured by their supervisors to soften their safety findings or conclusions regarding antidepressants and Vioxx, respectively. In addition, a survey released by the Union of Concerned Scientists (UCS) and the Public Employees for Environmental Responsibility (PEER) on July 20, 2006, found that approximately one-fifth of the nearly 1,000 FDA scientists surveyed said that they had been asked, for nonscientific reasons, to inappropriately exclude or alter technical information or their conclusions. One-fifth said that they have been asked explicitly by FDA decision-makers to provide incomplete, inaccurate or misleading information to the public, industry, the media and government officials. My Committee staff are presently reviewing such allegations in ongoing investigations.

PRESSURE TO APPROVE PRODUCTS

Throughout numerous investigations by my Committee staff, FDA employees have also stated that they are under constant pressure to approve drugs within deadlines established by the Prescription Drug User Fee Act. For example, during the Committee's investigation into the delay in labeling changes regarding blindness risks for Viagra, the safety evaluator for that drug informed my staff that the Office of New Drugs is under such time pressure to approve new drugs that safety concerns were often ''fit in'' wherever they could. According to a survey by the HHS OIG in 2002, nearly one in five scientists polled said that they had been pressured to approve or recommend approval of a new drug despite concerns about its safety, effectiveness, or quality. This needs to be

corrected immediately, and FDA needs to resume its science-based mission.

ATMOSPHERE OF FEAR OF REPRISAL

According to the FDA, there are regulations and procedures in place to help resolve organizational and individual disagreements. However, my Committee staff continues to hear from FDA employees who experience intimidation and reassignments when they raise concerns about the integrity of FDA's work. In addition, the 2006 UCS and PEER survey found that over one-third of the FDA scientists who responded to the survey said they could not openly express any concerns about public health within FDA without fear of retaliation. Moreover, the GAO found that the dispute resolution processes for disagreements over postmarket drug safety decisions ''have not been used and may not be viewed as sufficiently independent.''

Your recent meeting with FDA staff involved in the review of Ketek is a disturbing example that FDA's internal dispute resolution processes are not working. Instead of reassuring FDA employees that they can raise concerns without being subjected to retaliation or intimidation, the meeting itself appears to be an act of intimidation. Scientists who speak up about problems and concerns, whether internally or externally, help ensure that our government operates efficiently, effectively, and in the best interest of the American people. FDA employees need to hear from the leader of the agency that they can freely voice their concerns without fear of reprisal.

ORGANIZATIONAL CHALLENGES

The GAO report released on April 21, 2006, calls for long overdue reform at the FDA. Under the current FDA review system, patient safety takes a back seat to the fast approval of products. For example, the drug safety office, now known as the Office of Surveillance and Epidemiology, is under the thumb of the Office of New Drugs (OND), which is hampered by real and perceived conflicts of interest. According to the GAO report, the drug safety office is under-funded, lacks independence and lacks decision-making responsibility. OND—which is responsible for approving or disapproving drug applications in the first place—is the office responsible for taking regulatory actions related to the safety of drugs already on the market, not the drug safety office.

To improve the decision-making process for postmarket drug safety, the GAO has recommended that Congress expand the FDA's authority to require drug companies to conduct postmarket studies when additional data is needed. A number of us in Congress have repeatedly asked the FDA what additional authorities and/or resources are needed to enable the agency to achieve its mission. In a related matter, during private meetings with FDA management, the need to have pharmaceutical companies submit their applications for new drugs and other requests electronically comes up repeatedly as critical to improving the efficiency and effectiveness of the FDA. Yet, the FDA continuously denies the need for greater authority and resources. Why the FDA is resisting such offers from Congress is a mystery to me.

LACK OF LEADERSHIP

The FDA has been without a permanent leader more often than not in recent years. The agency needs and deserves a strong, permanent Commissioner who is unequivocally committed to the scientific process and can make the administrative reforms necessary to ensure greater transparency and accountability. While you are not the permanent Commissioner of the agency, you are nevertheless in the position, as Acting Commissioner, to turn things around and restore public confidence in the FDA. I sincerely hope you seize the opportunity to do just that.

Sincerely,

CHARLES E. GRASSLEY,
Chairman.

Mr. GRASSLEY. The letter lays out the major problems at the FDA. I encourage my colleagues to read it and, maybe more important, emphasize again reading the Institute of Medicine's criticism of the Food and Drug Administration.

The FDA needs a permanent commissioner to tackle these problems. Unfortunately, I believe the nominee is not the person for the job. Over the past year, the nominee has failed to step to the plate and failed to keep his assurances to me. He has said the agency needs to be a facilitator, but think what the word ''facilitate'' means or what ''being a facilitator'' means. It could mean a cozy relationship between the FDA and industry. What is called for is someone who recognizes that the FDA is supposed to be a regulator, not a facilitator.

I am also afraid he will allow FDA management to continue pressuring FDA scientists to change their findings or conclusions and to approve the products despite concerns about the safety and efficacy of the product. Dr. Von Eschenbach is not prepared to provide the leadership necessary to restore confidence in the FDA.

Given these concerns, I hope my colleagues will take them in consideration before they vote. I intend to vote no. I hope my colleagues will so that we can have a person in this position who will change the culture but also cooperate with the constitutional responsibilities of the Congress of the United States to oversee the executive branch.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I would like to take just 5 minutes as in morning business.

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

GRATITUDE FOR EXPRESSIONS OF CONCERN

Mr. THOMAS. Mr. President, I come to the Senate floor to express my gratitude for the response I have gotten over the last month from my friends and neighbors in the Senate.

As many of you know, about on election day I was diagnosed with leukemia, and I have spent the last month in the hospital. I got out last Saturday, and I am now back on the job, and I am very delighted to do that. Certainly Susan and I wish to express our real thank-you for all the comments and contacts, expressions of hope, and prayers we have gotten from the Members in the Senate. It is very meaningful. It is the first time I have been through a thing of this kind, and I can tell you that it means a great deal. We also got literally hundreds of comments from our voters in Wyoming. So we are so pleased, so grateful for that kind of response.

The process has gone well. As I said, I was in there for a month. I have gone through the chemo, I have gone through the other activities and may have to go back for some additional treatments, but the fact is I am out, my blood cell count is up, and I am very positive.

I want to urge people to be very careful about their own health, and when there are signs of problems, to be sure they take care of them because Bethesda was a wonderful place for me to be.

Again, my real purpose here is just to express my gratitude for all the kind feelings I have had from the staff and from the Members of the Senate, and I appreciate it very much. It has been very helpful, and I am grateful.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HONORING SENATORIAL SERVICE

Mr. WARNER. Mr. President, I have had the privilege of being here for the 28th year beginning shortly. I calculated not long ago that I have served with 261 individuals. I am not about to try and review all of the many magnificent friendships I am privileged to have through these years. Indeed, if one looks at the rewards, of which there are many serving in this historic institution, the Senate, it is the personal bonds, the friendships that we so firmly cement and that will last a lifetime as a consequence of our duties of serving the United States of America and in our respective States.

We are called ''United States'' Senators. I often believe it is the first obligation, our Nation, the Republic for which it stands.

GEORGE ALLEN

For my colleague now of 6 years, GEORGE ALLEN, this will be his last service as a Senator as this brief session closes. I have said it before, I will say it again and again, I rank him at the very top of the 261 Senators I have been privileged to serve with these many years.

In fact, I have looked back at the history of Virginia and would like to note for the record that my colleague, GEORGE ALLEN, is one of only five Virginians to have served in the Virginia General Assembly, as Governor, as a Member of the House of Representatives; and as a U.S. Senator—the first in more than 150 years of our State's history.

Together, we have shared a long history of serving the people of Virginia—I as a Senator and he as a member of the Virginia House of Delegates, House of Representatives, Governor, and U.S. Senator. I remember participating in

his first campaign and all the successive campaigns. GEORGE ALLEN served the Commonwealth of Virginia in public office for 25 years. How well I know. I campaigned for him when he ran for the State legislature, then for the Congress, then for Governor, and he won those elections handily. Then he ran for the Senate. It was a tough race. Tough because he was up against a very able opponent, a man whom I admire, a man with whom I have served with in this Chamber. But the voters of Virginia—and therein rests the final decision—sent GEORGE ALLEN to the Senate where I believe he has served with great distinction.

I have been privileged to share the warmth and vigor of this magnificent man with his lovely wife Susan and their children, Tyler, Forest, and Brooke. What a privilege, a joy for me to see them as they have grown nourished by the love of two strong parents.

In 1981 he was elected to the Virginia House of Delegates to the seat once held by his philosophical inspiration, Thomas Jefferson. Throughout his career in public office, GEORGE ALLEN has consistently been guided by that same inspiration of smaller government and individual freedom. He has also been driven by the thoughts of two other leaders important to him; Ronald Reagan who said ''If not us who, if not now when?'' and his father who always told him ''The future is now.''

Throughout his career in public service GEORGE has worked as an advocate of economic development, recruiting companies to Virginia and espousing policies to create jobs. As Governor, he oversaw the creation of 312,000 new jobs in Virginia by making the Commonwealth a better place to do business. He reformed the parole system to keep repeat offenders off our streets and out of our neighborhoods. His welfare reform set the stage for the Congress to act to help people get back on their feet and get back to work. He implemented the Standards of Learning in our schools to make sure all of our children receive the same quality education.

I remember well our first effort together when he came to the Senate in 2001. As is often the case here in the Senate, there had been some problems confirming a federal judge who was ultimately recess appointed in late 2000. We came together and worked with the President to bring his nomination back to the Senate and as a result, Judge Roger Gregory was confirmed by the Senate to become the first African American seated on the Fourth Circuit of the U.S. Court of Appeals.

We were working partners. We shared everything—our staffs work together, our wives work together—and we crisscrossed this State from one end to the other over those 6 years. When either GEORGE ALLEN or I felt, for whatever reason, we could not keep an appointment somewhere in the State, one would fill in for the other.

We were quite parallel in our thinking, the philosophy, the things so important to Virginians, and I think to most Americans, first and foremost the preservations of our freedoms, a strong national defense, a right to work, to hold a job and to compete fairly, to hold that job and to advance, to have a system of health care that did not serve only those more affluent than others but would serve any individual who suffered from pain or the need for medical attention.

We have joined together in countless efforts for Virginia's communities; helping to fund museums, youth centers, innumerable infrastructure projects, and research at our colleges and universities. We also worked together on the Teacher Tax Relief Act. I am very hopeful if we pass this tax package, there will be a provision that GEORGE and I worked on together for many years, to be extended in statute; and that is, the Teacher Tax Relief Act. I will never forget, I was down visiting a small school. And as is so often the case, you are rushed through, and the teachers and the principal want you to meet as many students as you possibly can. It is always quite interesting to do that.

I remember I was rushed into one class, and I think they were first graders. They were all sitting on the floor, and the principal said: You have a few minutes. So I started talking away, and I asked the first graders: Is there a question you might have? And this absolutely magnificent little girl, who sat there riveted to every word I spoke, looked up and said: Yes. My question is, how much longer must we sit here until the Senator comes? Well, you don't forget those things. And I had difficulty answering the question, I was so taken aback. I felt I was universally recognized, but it is not the case in the first grade.

Then I was in another classroom, and for some reason I—I went through basic engineering school, and I have always been interested in pencils and writing instruments—and I saw a pencil, a rather fancy one, and I picked it up, and the teacher saw that I liked it, and she said: Take it. Keep it. I said: Oh, no, I don't take any gifts or anything. You know, we have rigid rules in the Senate, and nobody is going to bribe me with a pencil. And she said: Oh, please, please, please. It is not school property. I said: Oh? She said: Yes. Senator, you must understand that as teachers—and this is prevalent not only in Virginia but it is prevalent all across the land, particularly among teachers in the elementary grades—we have to take part of our own salary to buy what we deem are the essential tools that are needed to educate our students.

Well, I just could not believe this, because teachers are not among the more well paid. So GEORGE ALLEN and I fought for years to get the Teacher Tax Relief Act signed into law. It is on the books, and we need to extend it, and I am optimistic that will be done. But it simply says, if you can establish that you took your own salary and you bought school supplies which were necessary for teaching and the profession you are in, you get a $250 above the line deduction—a small amount of money, but a great sense of satisfaction.

GEORGE has been a strong member of the Commerce and Foreign Relations Committees seeking to make our nation a better place for business, ultimately creating more economic opportunity for all Americans.

We joined together after the tragic events of September 11, 2001, to try to help the people of Northern Virginia and indeed all America respond and recover.

We worked on behalf of the men and women of the Armed Forces. How proud we are in the Commonwealth of Virginia of the extensive number of bases and institutions of the U.S. military which we are privileged to have. There is no greater responsibility of the Congress of the United States than its specific—specific—obligation under the Constitution. As my great teacher and mentor, Senator BYRD, so often has told me, that is to provide for the care and the welfare, and to raise the armies and maintain the navies that this Nation requires. GEORGE ALLEN has been a partner with me as we have done those things for these many years.

In life we go through a series of stages. We are raised and nurtured by our parents, receive an education, raise a family of our own, and serve in various careers. GEORGE ALLEN and his family have been public servants to the people of Virginia and America for the past 25 years. The people have been fortunate to have such a dedicated Delegate, Congressman, Governor, and U.S. Senator. I am proud to have served with this man and to call him my friend all these years. Therefore, I bid him a fond farewell from this institution. But I look forward to working with him as he goes on and accepts challenges perhaps even greater than the ones he had in the years that he so loved serving in this Chamber.

The people of Virginia spoke, and GEORGE ALLEN, with great courage, took that decision and quickly said: I understand. He accepted it and has gone on about his business.

I would also like to pay tribute to nine other United States Senators who will retire from the Senate in the coming days.

I have previously spoken in honor of my colleague from the neighboring state of Maryland, Senator PAUL SARBANES. Since my first days in the Senate, Senator SARBANES and I worked together on a host of important regional initiatives, including: the restoration of the Chesapeake Bay; improvements to our Metro system; the creation of the office of the National Capital Region Coordinator; and on funding for the construction of the new Woodrow Wilson bridge. His retirement

is certainly a loss to the region as Senator SARBANES has been a true champion of many issues vital to the Maryland, Virginia, and DC metropolitan area.

Now, I would like to take a few moments to salute our majority leader—Senator FRIST—as well as Senators CHAFEE, BURNS, SANTORUM, DEWINE, JEFFORDS, TALENT, and DAYTON. Each and every one of these U.S. Senators has served his State and his country with great distinction.

Without a doubt, I could speak at-length in honor of each of these outstanding individuals. In light of time constraints, however, and the fact that so many of my colleagues wish to similarly pay tribute, I shall endeavor to keep my remarks brief.

First, I would like to say a few words about our distinguished majority leader, Senator BILL FRIST. You know, in this post-September 11, 2001, world, we think of national security as the most important issue of the day. Certainly, BILL has worked hard in that area over the years—not only as majority leader but as a hard-working member of the Senate Foreign Relations Committee. But, right behind national security comes the issue of the health of our citizens, and BILL FRIST has been at the forefront of every major piece of health care legislation during his 12 years in the Senate.

Whether it has been ensuring that America's seniors have access to a sorely needed Medicare prescription drug benefit or whether it has been his efforts to encourage the use of new technology in medicine so that the knowledge of one doctor in one part of the world could help a doctor and a patient in another part of the world, BILL FRIST has improved the healthcare system for all Americans.

The Senate will no doubt miss BILL FRIST's leadership, but I have no doubt that his public service will continue, particularly his heartfelt healthcare work in impoverished areas of the world. I wish him, and his magnificent wife Karen all of the best in their future.

Now, I will speak a few words about our colleague LINCOLN CHAFEE. I have known the Chafee family for many years, and count the late John Chafee and his wife Virginia as my dearest friends.

The year was 1969, this country was engulfed in a war in Vietnam, and I was privileged to be asked to serve as Under Secretary of the Navy. I was told that the Secretary of the Navy, who would be my boss one step up, would be a man named John Chafee, former Governor of the State of Rhode Island.

I will never forget we both served in the Marines, at different times. He was a captain and I was a captain in the Marine Corps Reserve, and we met on a cold day in February outside the Pentagon, shook hands, and walked upstairs. And there we were greeted by the Commandant of the Marine Corps and the Chief of Naval Operations.

Chafee turned to me, and he said: You know, the Navy and the Marine Corps constitute almost a million uniformed men and women. It was that large in the height of the war in Vietnam. And he said: Here we are, a couple of lowly captains, and now it is our responsibility. Let's square our jaws and stick out our chins, get this job done, and provide the leadership that these men and women of the Armed Forces so richly deserve.

John Chafee was an absolute teacher and mentor of mine in every way during those years we worked together in the Department of Defense. He would take his trip to Vietnam. I would stay back and man the store. He would return, and I would take my trip. We had problems throughout the world. It was in the middle of the Cold War with the Soviet Union. John Chafee was a magnificent man. He had been Governor of the State of Rhode Island three times, and he was a magnificent leader of the men and women of the Armed Forces.

He decided that he was going to move on and consider running for the Senate, and resigned, and I succeeded him then as Secretary. But I never lost the feeling that he was right there, should I need him to help carry out my duties. And then, as luck and good fortune would have it, he came to the Senate, and not too many years thereafter I came to the Senate and once again joined him.

I will never forget my first day in the Senate he came up to me and said: Do you remember I was Secretary and you were Under Secretary? I said: Yes, sir. He said: Well, that's the way it's going to be here for a while. You listen to what I say and what I do, and I will give you some advice as we go along.

That was the kind of man he was. I never heard him speak a harsh word about any other colleague. But he achieved his special niche in this institution through his absolute love for the environment as well as the men and women of the Armed Forces. Those were the two things on which he worked. And as luck would have it, his son came to join us, and he has so many of those magnificent attributes of his father and his mother. An absolutely magnificent human being, his mother, and all his family, as a matter of fact.

It is my honor to share with my colleagues some of the important accomplishment of LINCOLN CHAFEE during his 7 years as a member of this body, and to personally express my appreciation for his service to our country.

Senator LINC CHAFEE came to the Senate from local government serving on the city council and later as mayor of Warwick. I believe it is this experience of leading a major city that solidified his commitment to fiscal responsibility. In his service in the Senate he was steadfast in his belief to restore controls on the federal budget and to promote responsible government spending.

We were privileged to serve together on the Committee on Environment and Public Works where he quickly became a skilled legislator. He successfully authored legislation to stimulate the redevelopment of brownfields areas previously contaminated by hazardous waste, that plague our urban areas. This law is already producing results in improving neighborhoods and bringing new industries back to urban areas.

Senator CHAFEE was also a leading voice in fostering bipartisanship in the Senate, and was an active member of our informal group of Senators known as the Gang of 14. We were a group of seven Republicans and seven Democrats, but we had no formal standing in the Senate. We would meet regularly to share our thoughts on judicial nominees pending on the Senate Calendar to ensure that the Senate could continue its responsibilities under article II, section 2, of the U.S. Constitution—the advice and consent clause. Senator CHAFEE was an integral part of this effort which allowed candid and respectful discussions of the qualifications of individuals to serve in the federal judiciary and prevented the continued use of party-led filibusters on judicial nominees except in extraordinary circumstances.

LINC CHAFEE will be remembered in this institution for his independence. We all fight to try to maintain that independence. We are respectful of our party leadership. We are respectful of our party affiliations. We know the demands of our State. But there are times when we feel we must act and make decisions that reflect our own innermost feelings of independence, and LINCOLN CHAFEE will be remembered for that.

As Senator CHAFEE prepares to depart the Senate, I thank him for his meaningful contributions to the Senate, and wish him, his wife Stephanie, and his children, Louisa, Caleb and Thea, ''fair winds and following seas.''

Now, Mr. President, I wish to say a few words about CONRAD BURNS. Senator CONRAD BURNS has an impressive record of public service, beginning with his service in the U.S. Marine Corps from 1955 to 1957. CONRAD has served the great State of Montana with distinction in the U.S. Senate since 1989.

I will never forget when his first campaign came along, I was asked to go out and campaign with him. I acknowledged I would do it. I didn't know him, so I went on out to Montana. I had been in Montana in earlier years. I had been actually an employee of the U.S. Park Service and had been a firefighter out in Montana in 1943 and then again in 1947, I think it was.

Most recently, in August I toured Malmstrom Air Force Base with Senator BURNS. On this tour, I saw firsthand the love and pride that Senator BURNS has for the people of his State. As a senior member of the Senate Defense Appropriations Subcommittee, he has worked tirelessly for the men and women in the Armed Forces.

And old CONRAD—he embodies all of those great qualities of Montana. Talk

about independence, he has it, and robustness, and a thirst for life and laughter. It was a sheer joy to campaign with CONRAD BURNS because wherever he went, he would walk into a room and he would tell a story, talk to his people.

He loves every square foot of that State. And I shall miss him. I shall dearly miss CONRAD BURNS. We have to have a few characters around here who do our duties and accept our daily bread, and he is one. And you could kind of go to the bank on what he told you. He was never at a loss for telling a story to cheer up a colleague. Whenever he felt that colleague was a bit down, CONRAD would cheer that colleague up. He and his lovely wife and family will go on to other challenges.

Senator RICK SANTORUM has an impressive record of public service. Subsequent to his service in local and state government, he was elected to the United States House of Representatives. In 1994, RICK was elected for the first time to the United States Senate. From his first day in the Senate until 2002 we had the opportunity to serve together on the Senate Armed Services Committee. Throughout his time on that Committee, and since he left the Committee, RICK could always be counted on for his deliberate and reasoned decisionmaking to ensure the best possible policies for the men and women in the armed forces. Since 2001, Senator SANTORUM has also played an important role in the Senate leadership as Republican conference chairman. As conference chairman, Senator SANTORUM has tirelessly represented the Republican Party as the party spokesman. There is no doubt in my mind that RICK SANTORUM's passion, enthusiasm, and leadership will be missed here in the Senate.

Senator MIKE DEWINE has been in public service nearly his entire adult life. He was an assistant prosecuting attorney, he has held various state elected positions, he was a member of the U.S. House of Representatives, and most recently, since 1995, he has served the state of Ohio in the U.S. Senate. I am pleased to have served on the HELP Committee with Senator DEWINE where we worked together on various children's health issues. There is not a bigger champion of children's health than Senator DEWINE. Senator DEWINE was also an instrumental member with me on the Gang of 14. Throughout his years in the Senate, Senator DEWINE has proven to be a thoughtful, highly respected member who has always been willing to do what is right. In my view, he is a true statesman.

From 1956 to 1959, Senator JIM JEFFORDS served in the United States Navy. He later served in the Naval Reserves. In 1989, after JIM had served the citizens of Vermont in State positions and in the United House of Representatives, JIM was elected to the United States Senate. In the Senate, I have been pleased to work closely with him, particularly in serving with him on the Health, Education, Labor, and Pensions Committee and on the Environment and Public Works Committee. JIM chaired both Committees during his years in the Senate.

While Senator JEFFORDS legislatively had many interests, I believe that improving the education of our children, particularly children with special needs, is the issue most dear to his heart. I remember him time and time again on the floor of the United States Senate pushing for increased funding for the Individuals with Disabilities Education Act, IDEA. And, I remember joining him, and others, in pushing hard for mandatory IDEA funding after it became clear that the Congress would be unable to fulfill its funding commitment through the discretionary funding process. While, to date, we have not achieved full funding, it is without question that JIM JEFFORDS' Senate career has left a lasting, positive imprint that will improve America's education system for years to come.

Over the past 4 years, I have been fortunate to have been given the opportunity to work closely with JIM TALENT on the Senate Armed Services Committee. Since his first day on the Committee—JIM TALENT has been one of the hardest working Committee members.

As chairman of the Seapower Subcommittee, Senator TALENT has been at the forefront of the Committee's efforts to strengthen the Navy's shipbuilding program, working closely with the Chief of Naval Operations in the formation of the CNO's plan for a 313-ship Navy. He showed steadfast determination in working with the administration and the Congress to secure the funding required to build the future Navy; spearheading the effort to raise the top-line for shipbuilding by over 20 percent during the course of his tenure as Seapower Chairman.

Senator TALENT has also been passionate in his support for the needs of our brave men and women in uniform; championing quality-of-life and quality-of-service initiatives. Most notably, he has been a strong advocate for legislation that will put an end to predatory lending practices against military personnel and their families.

Senator DAYTON was elected to the Senate in 2000, and throughout his years in the Senate I have had the privilege of serving with him on the Senate Armed Services Committee. As a hard-working member of that Committee, MARK was a strong advocate for our armed forces. Notably, he was a strong supporter of increasing the death benefit gratuity for survivors of deceased members of the Armed Forces from a little more than $12,000 to $100,000. Thanks in part to his efforts, this increased death benefit gratuity is now law.

Senator DAYTON also reached across the aisle and worked closely with me in support of efforts to provide Medicare beneficiaries with a prescription drug benefit. Together, we introduced legislation to provide America's seniors with a refundable tax credit to help offset the costs of prescription drugs.

In conclusion, over the years I have served with each of these 10 Senators, each has not only been a trusted colleague, each has also been my friend. I will miss serving with each of them in the Senate but know that each will continue in public service in some capacity. I wish each and every one of them well in the years ahead.

Mr. President, I see a number of colleagues here anxious to speak, and I have taken generously of the time the Presiding Officer has allowed me to speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I am mindful that the majority leader will be coming here in approximately 6 minutes to speak, and I am looking forward to his comments.

Mr. President, I want to say that one of the great delights of being a part of the Senate is to sit at the knee of such great leaders, such as the senior Senator from Virginia, and to learn from him and to hear the stories that so often he can weave into any circumstance that is facing us, that has some application of a story he had encountered in the past. I thank him for his leadership. I thank him for his contribution. And I thank him for being a mentor to so many of us in this Senate.

WATER RESOURCES DEVELOPMENT ACT

Mr. NELSON of Florida. Mr. President, in the remaining moments here, I want to say one of the things this Senator will address in the next Congress is the fact that we did not pass a Water Resources Development Act, which has so many important projects for this Nation. We have not had a Water Resources Development Act bill since 2000, and we are suffering for it.

As to this great ecological restoration project down in my State, the Florida Everglades Restoration Project, there are two critical projects in this WRDA bill—the Indian River Lagoon and the Picayune Strand. The Indian River Lagoon is a 156-mile-long estuary that I grew up on as a boy. It runs from basically just north of Cape Canaveral all the way south to Palm Beach County. It has been altered by unnaturally large and poorly timed freshwater discharges arising out of the St. Lucie Canal. They have altered the water quality and depleted the water supplies in the Everglades ecosystem. So that is one project that is going to be necessarily addressed in the new Congress. There are many components to that project. The Everglades restoration is an $8 billion project over 20 years, shared by the Federal and the State governments.

The other major project—I will close with this—is the Picayune Strand restoration project. It is going to remove roads and canals and other infrastructure to increase freshwater flows. It encompasses 94 square miles in Collier

County, FL, and it includes such things as the Florida Panther National Wildlife Refuge, the 10,000 Islands National Wildlife Refuge, and many others.

These ecosystem protections and alterations are absolutely necessary for the future of keeping this beautiful planet Earth and protecting this very fragile ecosystem.

BUILDING CONSENSUS

Mr. NELSON of Florida. I thank my colleagues for allowing me the time. As we are awaiting the majority leader to arrive, I might say that since many Senators are here, I want them to know what a great privilege it has been for this Senator to serve with each of you and to serve in a bipartisan way.

One of the messages of this election I have just come through is that people do not want this partisan bickering they have seen. They want us to come together, to build consensus, to perform, and to do it in a bipartisan way. This Senator is dedicated to doing that from now on.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The VICE PRESIDENT. Without objection, it is so ordered.

FAREWELL TO THE SENATE

Mr. FRIST. Mr. President, about 2 months ago, late Sunday afternoon, when no one was around, I came into this Chamber to carry out a time-honored tradition, nearly as old as the institution itself. I came over to this desk and I opened the drawer and the tradition of carving your initials or your name into the bottom of that drawer was carried out. As you open these drawers, as many of us do when we are sitting here listening and debating, you tend to look at the names that are there. I see Robert Taft at the bottom of this drawer, Hugh Scott, Everett Dirksen, Howard Baker, Bob Dole, TRENT LOTT, and the list goes on. And with the quiet here, you begin to reflect a little bit. But then all of a sudden you start thinking, as you are carving your name into that drawer, that there aren't very many things that you leave that are permanent around here, but that is one.

It confronted me, as it hits me with such force today, that our time here, indeed, is temporary, and that we are here to occupy these seats at these desks just for a period of time. We can never forget that we don't own these seats. We don't own our presence in this U.S. Senate. It is with that recognition that I address my colleagues today.

I have reflected a lot over the last several weeks, and I think back to that nonpolitician who came to this city, this body, 12 years ago with a whole lot of hope for the people of Tennessee and a whole lot of hope for this country. I think back to the people who put their trust in that man's hands.

Indeed, it was 12 years ago that Karyn and I came to Washington. I came as a citizen legislator with absolutely no, no political experience. I was a doctor. I spent 20 years in the profession of healing. In my acceptance speech back 12 years ago, I pledged at that time to my fellow Tennesseans that Karyn and I would go to Washington, that we would serve for 12 years, for a limited amount of time, and that we would go back to Tennessee and live under the laws that we helped enact. And that is exactly what we will do. We are going to go back to Tennessee in a few weeks, and I am going to live in the very same house that I was born in 54 years ago.

I still remember coming to the Hill early on, and I know a number of new colleagues are coming to the Hill. I think back, and my former chief of staff, who was very green at the time—I just told you how green I was at the time—I remember standing right in front of the Capitol, and we had to stop somebody and ask: Where is this building called the Russell Building? And they told us. Luckily, I don't think they knew who I was at the time.

But I did come believing deeply in the promise that I had made. I believed in my heart that with determination—and I had seen it in surgery and in the operating room—one can make a difference in this world. Today, I look back and I see that I was only half right. One person can make a difference, and each of us do in our own ways. But to make a difference, we can't do it alone.

I certainly couldn't have done it without people who stood both behind me and with me over the last 12 years. I agree with all of my colleagues. I know they know Karyn. And, indeed, she has honored me by her unwavering love each step along the way. Her grace in carrying out her official responsibilities, her commitment to the development of character in our three boys, her moral support, her spiritual support for me and our family, she has been that guiding river that has kept us on course as we traveled two very different professions occupations: that of being a heart surgeon and that of serving as a U.S. Senator.

Our three boys most of you know as well. You have watched them grow up over the last 12 years: Bryan, Jonathan, and Harrison. Obviously, we are so proud of each of them. I will speak directly to them because they, as with anybody growing up, faced the huge challenges of growing up in public life, taking in stride the various swipes that the media takes from time to time, but doing so with real dignity and strength. The boys know that Tennessee is home. They have been able to take in the rich texture that is afforded all of us as we raise children here in this town. And they have grown from three young boys when we came here to three young men.

I want to thank staff members, and we never do that enough, those staff members who have been with me from the very beginning: Emily Reynolds, Ramona Lessen, Bart VerHulst, Cornell Wedge, Mark Winslow, and Carol Burroughs. I thank my series of chiefs of staff: Mark Tipps, Lee Rawls, Howard Liebengood, Eric Ueland, Andrea Becker, Bart, and Emily, and all those who have come in and out of these doors since that very first day 12 years ago when, yes, I, like somebody every cycle, was 100th in seniority. It is the staff that puts the needs of this country before their own needs. And with a lot of hard work and a lot of passion and a lot of hope, they have accomplished so much.

A few moments always stand out in my mind, and I will not recite all of them, but a few do stand out in my mind, victories like the $15 billion in funding for global HIV/AIDS, which I have seen firsthand the power in the hundreds of thousands and, indeed, I would say millions of lives that have been saved by American leadership there; the prescription drugs for seniors; confirming John Roberts and Sam Alito.

And through all of this time, we have borne witness to days that have literally changed the face of this Nation and the face of this Capitol, things like the Capitol shootings,

September 11, anthrax and ricin, and Katrina. But through all of that, we kept it the best way we could, with hard work and a lot of hope.

I thank my colleagues who placed their faith in me to serve as their leader. As I said four Decembers ago, when you elected me, it was and has been ever since, every day, a very humbling experience. On that day 4 years ago I quoted Proverbs: In his heart a man plans his course, but the Lord determines his steps.

And what fulfilling steps have been afforded me as leader. I cannot let today pass without expressing gratitude for the close friendships of people who are here and some people who have passed through this Chamber: Howard Baker, the great Republican leader from Tennessee whose shoes as majority leader I have done my best to fill. He has counseled me over the years both as a Senator and as leader. His sage advice I have relied upon many times in those capacities.

You have to be very careful going around a room, but behind me, people like PETE DOMENICI, who became a mentor to me on that very first day in 1995; and people like JOHN WARNER, whom we saw in action just a few minutes ago on the floor and, yes, on the Gates nomination; and former Senators, people like Don Nickles who so wisely set the stage for the Republican tax cuts of the last several years; my colleague and confidante, MITCH MCCONNELL, whose wisdom and service

has been indispensable to leading the Republican majority, who ascends in party leadership, who will be sitting at this desk in a few weeks, a temperament and skill with which no one is better prepared; my Tennessee colleagues, Fred Thompson and now LAMAR ALEXANDER, two great statesmen with whom I have had the honor to work side by side as we have addressed the needs of our constituents.

I thank the two Democratic leaders, Tom Daschle and now HARRY REID. As HARRY and I have said publicly many times, everybody sees the public contrast between one leader to the other, between HARRY and me. But what people don't see are the daily conversations, the private conversations off the floor where views are mutually respected, where burdens are shared, and where family is discussed. Karyn and I leave this body with tremendous respect for HARRY and for Landra, for their contributions to this country.

To all my colleagues who have reached across the aisle and across differences when you could, thank you.

Twelve years ago, it was people in Tennessee who took a big chance, who took a great chance. They took a chance on a doctor who was little known, who had never served in public office, obviously had never run for public office. They began by opening their minds and then opening their homes and then opening their lives and then opening their hearts. And I am eternally grateful to them for giving me that trust and taking that chance.

On this floor many times I have mentioned my parents and I mentioned my dad. Dad used to say: It is a powerful thing to know where you are going in life, but it is equally powerful to know where you have come from.

To the good people of Tennessee, I thank you for never letting me forget where I have come from. You never let me forget those promises made on the trail over a decade ago, the promises that have been the heart of everything that we have done. Yours are the voices that have called out to me from Mountain City in east Tennessee to Memphis in the west, the people out there who are working hard every day to raise a family, to grow a business, to run a farm, to get ahead. As long as I live, I will never forget those voices. Those voices are clear, those voices of common sense that called out and counseled me time and time again.

Two people who won't hear me thank them today are two who were at my swearing in but who have since passed on: my parents Dorothy and Tommy Frist. They have left a fascinating legacy that the five children—I am the last of those five—have been the beneficiaries of, a legacy of honesty, of civility, of fairness, of hard work, and of service. And we all—at least I try to—struggle to capture what they did in passing that legacy on to our children.

My own brothers and sisters, Mary, Bobby, Dottie, and Tommy, all in their own way, with their children and grandchildren, have been successful in living lives of service to others. Many friends are here today, including Jean Ann and Barry Banker and Denise and Steve Smith. It is that friendship, that team, that gives people, I believe, the strength and foundation to carry out that mission of serving this great country.

In the past few weeks, I have spent a lot of time reflecting about the future of this institution. As I prepared to leave here and return to my home, many people have asked, don't you ever regret the promise that you made to serve just for 12 years, two terms? Did you regret it when you became chair of the RNC or majority leader? If you knew then what you know today, would you have made that promise 12 years ago? My answer is yes, because I believe today, as I believed then, in the ideal. It is, I guess, that ideal of a citizen legislator. It might seem bittersweet today, but it is right.

I hope that in some way, as I leave here, that my service—people may say it was effective or ineffective, and that is all very important—is an example of someone who had never, ever run for public office, never served before, and who had spent his lifetime—in fact, twice as much time as I spent in the Senate—pursuing another profession, coming here like so many people today and starting at 100th in seniority over in the basement of the Dirksen and rising to majority leader over that 12-year period; an example of a committed doctor who is able to find purpose and fulfillment in serving others, as all of us do as Senators, through elected office. I hope that will inspire others to seek office and to do public service. It is my hope that those who come to serve after me as a true citizen legislator will bring perspective and new ideas in a small way, a serendipitous way, or maybe a large way, and make this country a little better and contribute to this institution.

You have heard me talk about, and champion at times, term limits. Most people don't like them. They were popular for a period of time. I am a great believer in self-imposed term limits. Every morning you get up, you say I have 3 more years, 2 more years, or 1 year, or a half year, or 10 days, and you know that as every day goes by. If you don't have an understanding that there can be an end, you tend to forget that. Self-imposed term limits are the extreme exception here today, not the practice of this city. I think as a consequence we are moving toward a body that has too much of a 2-year vision, governing for that next election, rather than a body with a 20-year vision governing for the future.

As we consider the future of the institution, I urge that we ask ourselves what it is our forefathers envisioned. Is today's reality what they foresaw? I urge that we consider our work in this Chamber. What is it all about? Is it about keeping the majority? Is it about red States versus blue States? Is it about lobbing attacks across the aisle or is it about war rooms whose purpose is not to contrast ideas but to destroy or is it more? When the Constitutional Convention met in 1787, delegates considered how best to structure this legislative branch of new Government. They were determined not to repeat the mistakes made in the Articles of Confederation, which had a single, unicameral legislature. Speaking to the convention, Virginia's James Madison set forth the reasons to have a Senate. His words:

> In order to judge the form to be given to this institution, it will be proper to take a view of the ends to be served by it.

These were, first, to protect the people against their rulers and, secondly, to protect the people against transient impressions into which they themselves might be led.

I think we need to remember this vision of the Senate that the Framers established—that the Senate is to protect people from their rulers and as a check on the House and on the passions of the electorate. Let us not allow these passions of the electorate to be reflected as destructive partisanship on this floor.

Taking the oath of office, which many of our good colleagues will be doing shortly, commits each Senator to respect and revere the Framers' dream. To my successor, BOB CORKER, and to all the Senators who will follow me in service to this great Nation, I urge you to be bold, make the most of your time here, and look at problems with fresh eyes and the steely determination to give the American people a reason to believe in you and to hope for a better tomorrow.

To serve in this grand institution has been a labor of love. To lead here is a challenging responsibility that is set out before me and each of us. It has been a profound honor to serve.

I will close with just one story. It happens in southern Sudan. As many of you have heard me say, because it is such an important part of my life, I go to Sudan just about every year—a thousand miles south of Khartoum and 500 miles west of the Nile River. I started going there in the mid to late nineties. I had been there operating back in the bush, and I was ready to come home. Actually, it was in January. The State of the Union was a few days off. We finished operating in a hut. I operated by flashlight late at night. Somebody in a little hut said, ''I want to see the American doctor.'' Well, I didn't want to go. I wanted to get back home. I wanted to get on the plane and come back home, but I went to see him. I was tired. I walked over and pulled the curtain aside—the rug that was used as a curtain—and in the back there was somebody smiling. You could see the bandages on his hands and legs, and I went over; and through a translator I said, ''I am the American doctor.'' He said, ''Thank you to the American doctor.'' As a physician, I am accustomed to that because when you

operate on somebody, they say thank you. So I said, ''you're welcome,'' and I got ready to leave. He was frustrated and he said, ''Come back.'' He said. ''Thank you for being the American doctor.'' I still didn't quite get it. He picked up his arm and said, ''I lost my arm fighting in this civil war. I lost my leg 8 days ago. It was about 2 years ago that I lost my wife and my 2 children. Thank you for being the American doctor.''

And then I started to get it. He was saying thank you for being the American doctor. Then he said, basically, that: It is you who are a representative of America, and for democracy and liberty and freedom I sacrificed my wife and my children and my arm and my body. Thank you for what you represent.

Then all of a sudden, it began to hit me. To me, that image cuts through just about everything that we do. It is about preserving as best we can the great hope that we represent here in America, which is embodied in this institution, the freedom, the responsibility, the opportunity, the compassion, and the basic decency that is at the heart of who we are as Americans. Beyond Democrat or Republican—which came out of the campaign—now is the time to again remind ourselves and state again and again that beyond being Democrats and Republicans, we are Americans. Together, we are one people. It is our responsibility to uphold the dream and protect that hope for every American and indeed the people around the world who seek that freedom.

I opened by saying that our time here is temporary; we are just passing through. Now is the time to close. Your patience has been generous. As I have spent a lifetime learning, to everything there is a season. We say that and hear it and tend to repeat it when there are changes. But to everything there is a season, and my season here draws to a close. Tomorrow is the time for birth and rebirth. Tomorrow is a day and a time for new rhythms.

My dad did a great thing that I shared with some of you. Each of us should do this for our children or for the people we care about. He knew he was going to die in the next couple of years. We asked him to write down his thoughts, advice, and counsel for the next generation—not just his kids and theirs, but for the great-great-grandkids that he would never see, a simple 4 to 5 pages. He ended that letter to his great-grandchildren with the following words:

> The world is always changing, and that's a good thing. It's how you carry yourself in the world that doesn't change—morality, integrity, warmth, and kindness are the same things in 1910, when I was born, or in 2010, or later, when you will be reading this. And that's a good thing, too. Love, Granddaddy.

So under the dome, it is time for fresh faces and fresh resolve. Change is good. Change is constructive. The Senate changes, the people who serve here change; but what doesn't change is that every one of us who serves believes deeply in the genius of the American democracy.

It is with the deepest appreciation that Karyn and I thank you all for 12 wonderful years. There are no words to describe the honor it has been.

I yield the floor.

(Applause, Senators rising.)

Mr. REID. Mr. President, parting really is sweet sorrow. Mr. President, thank you very much for being here today honoring not only Senator FRIST, our majority leader, but the entire Senate.

On the surface, some may ask how the Senate and the operating room are the same. What do they have in common? Senator FRIST has shown us that helping people is what he did as a doctor and what he has done as a Senator. Serving others is a trait as we have observed by knowing this good man is that he learned from his family. His father was also a doctor. As a young man he was obviously academically very talented. He wanted to follow in his father's footsteps. He went to Princeton University, which shows that he is someone who is talented academically and socially. He graduated from that great American learning institution and decided he was going to go to Harvard, which speaks well, again, of his intellect and, of course, his ability to get along with people. His surgical training came at Massachusetts General Hospital and Southhampton General Hospital in England.

Senator FRIST was a pioneer, but he learned his transplant surgery from the pioneer. I have heard BILL FRIST talk about Norman Shumway on many occasions—the first doctor to perform a successful heart transplant in the U.S. Senator FRIST—then Dr. FRIST—started Vanderbilt University Medical Center's Heart and Lung Transplant Center. I don't know if anybody knows—I am sure someone knows—how many heart and lung transplants Senator FRIST has done, but most say it was nearly 200. Think about that. Some of these operations took many hours, and some of them took days.

I heard Dr. FRIST talk about those first transplants, where he actually went and got the organs and personally brought them back to the operating room.

Things have changed since then. Pioneer, doctor, Senator FRIST has and will write a lot about his success as a surgeon and as a Senator. And not only will he talk with his family and his friends about this, things will be written about his service as a doctor and as a Senator.

When we talk about these nearly 200 transplants, we are talking about 200 human beings whose lives have been saved by virtue of his talent. Senator FRIST helped hundreds of people continue their lives. Here, as a public servant, a Senator, he has affected the lives of millions of people.

I have had the good fortune of serving with Senator FRIST during his 12 years in the Senate. I knew him before I became the Democratic leader and, as all of you know, I spend a lot of time on the floor and I worked with him very closely.

Over the years, we have had our ups and downs. It has been tough. These jobs, I can tell my colleagues up close, are not real easy. We have had problems over budgets, over committee structure, disagreements about schedules—oh, yes, about Senate rules. I have never once doubted—never once doubted—that what Senator FRIST was doing he was doing because he believed in his heart it was the right thing. That is why I, HARRY REID, at his home on a very personal level, told Senator FRIST he should run for reelection. I don't believe in term limits. I truly believed then, as I do now, that he should have run for reelection. I told his good wife Karyn the same thing in her home, in their home.

I have come to learn a number of things about BILL FRIST. He loves medicine. He has done his work in the Senate. But the thing that is first and paramount in his mind and his heart every minute of the day is Karyn and his three boys.

All of you out here have seen our fights publicly, and we have had them, but they have been fair. I can remember only once has Senator FRIST ever raised his voice at me, and it was right from here because, even though I didn't mean to, he thought I had said something that reflected upon his family, and I apologized to him. This man loves his family and is an example of how people should treat their family.

Karyn is a wonderful woman. She has treated my wife—my wife is a very shy person. She has always been very shy. Karyn has taken good care of her, and I will always, Karyn, appreciate that.

In the years that go on, I, frankly, will never think about or, if I try, not remember any of the differences we had on the Senate floor, but I will always remember the friendship I have developed with the good man from Tennessee, a citizen legislator.

Senator FRIST, Karyn, I wish you the very best. You are a good man. I love and appreciate everything you have done for the country and for me.

(Applause.)

The VICE PRESIDENT. The majority whip is recognized.

Mr. MCCONNELL. Mr. President, I, on behalf of all the Members on this side of the aisle—and Senator REID acknowledged the same as well—am grateful for your presence here today. Being here today to help honor our outgoing majority leader, I know, means a lot to him. It means a lot to all the rest of us.

Rare is the person who rises to the top of one profession, not to mention two. We are honoring today a man who has done that—he has risen to the very top of not one but two extraordinarily difficult professions. And I am absolutely certain, as all of his colleagues are, that he will excel in whatever challenge he takes on next.

BILL FRIST embodies what our Founding Fathers meant when they spoke of ''citizen legislators.'' By his early forties, he had already risen to prominence as a renowned heart and lung surgeon. But BILL felt a call to public service. After achieving enormous success in that field, he came to us in the Senate and rose to the top here as well. He had not sought the leader's office, but in some ways it could be argued that it sought him and, once again, he was top in his field.

After 4 years, BILL has been an effective and courageous leader. I have been here for a pretty long time now, Mr. President, and I can honestly say that the last 4 years have been some of the most productive years in the Senate that I have seen.

Under BILL FRIST's leadership, we have made the lives of people across America better and safer. More opportunity lies ahead for today's children than ever before. Most of all, BILL has never relented in leading this Senate to fight the war on terror. America is more secure thanks to his tenacity and thanks to his talents.

BILL is leaving us, as we all know, sticking to his promise to the voters of Tennessee to serve only two terms. Legend holds that Cincinnatus, the Roman farmer, became ruler of Rome at the behest of his fellow citizens. But after leading them to victory against invaders, he gave up the mantle of power and returned to his farm.

Whether BILL returns to medicine or continues to serve the public in some other way, we can be sure of this: He will continue to be one of America's great leaders. And if he does return to public office, it will be because he was asked by his fellow citizens to serve and to lead.

Words such as ''sacrifice,'' ''duty,'' and ''service'' mean something to BILL FRIST. This Senate and this country are the better for it.

It has been a joy to know BILL's lovely family—his wife, Karyn, and his three sons, Harrison, Jonathan, and Bryan. They are all proud of their father and husband.

I am going to miss you, BILL. It has been a great honor working with you every day over the last 4 years, and it will be an honor to take the baton from BILL to lead Senate Republicans during the 110th Congress.

Just as Kentucky and Tennessee share a border 320 miles long, BILL and I share a bond as Senators, party leaders, and, yes, as friends. I can see that all of our colleagues on both sides of the aisle feel the same way I do. It is sad to see you leave. You have done a magnificent job. People come and go in the Senate over the years and, candidly, I guess some of them didn't make a whole lot of difference. But you did, and you will be remembered with great pride by all of us. Thank you for your service.

(Applause.)

The PRESIDING OFFICER (Mr. COLEMAN). The Democratic whip.

Mr. DURBIN. Mr. President, I join in this chorus of salutations and praise for the retiring majority leader. I listened carefully to Senator FRIST's recollection of his public service, and I noted the first item on his agenda was the $15 billion in the fight against global AIDS. It is an issue on which we joined together many times, an issue where President Bush showed extraordinary leadership, and there was extraordinary bipartisan support for what he was trying to achieve.

As one reflects on his life and his background, it was no surprise that led the list. Senator FRIST dedicated his time before the Senate to the healing arts, and I think he brought some of that same dedication to this role in the Senate, trying to use his post as the Senator from Tennessee and as a leader in the Senate to heal the world and our Nation. I thank you for all your efforts in that regard.

I know when he came to this job, it was thrust upon him rather quickly. I know he had his critics, and there might even have been a few on this side of the aisle from time to time, but, by and large, I think his leadership has been symbolized by a lack of cunning, a lack of sharp elbows and an effort to try and patch up our differences and get things done. Once again, you were the healer when you had the chance to do it.

I have traveled to Africa, as he has, probably not as often. I have seen some of those dusty villages where there is no one to be seen for miles around. But I cannot imagine your taking your surgical skills to those villages and those huts and operating under a flashlight, hour after hour, day after day, week after week. That defines BILL FRIST, in my mind—a person who may not have been recognized by anyone on the road to that village, did some good, and left a legacy that will be remembered.

To you, to Karyn, to your family, let me add my voice in saying you left a great legacy in the Senate, and I wish you all the very best.

(Applause.)

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, former Senator Lyndon Johnson used to say about himself that having Lyndon Johnson as majority leader was good for the United States of America and it hasn't hurt Texas one bit.

When I think of our country and BILL FRIST, I think of lower tax rates, I think of two Supreme Court Justices, I think of a record number of judges who would interpret the law, rather than make it up as they go along. I think of the personal imprint of Senator FRIST on the prescription drug Medicare benefit millions of Americans need and are enjoying, and I think of the $15 billion generous gesture of this country toward Africa to combat HIV/AIDS, which would not have happened were it not for BILL FRIST.

When I think of BILL FRIST and Tennessee, I think of our new TVA board to keep our rates low and reliable. I think of our ability to deduct our sales tax from Federal income tax and dozens and dozens of other things that have been good for Tennessee.

When I think of BILL FRIST, I think of civility, of decency, a good smile, hard work, and an ego that is surprisingly under control for a Senator in the midst of all of this and an example of which his parents would be proud. So I think we can say today, and Lyndon Johnson wouldn't mind, that having BILL FRIST as majority leader of the U.S. Senate has been good for our country and it hasn't hurt Tennessee one bit.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I join my friends and colleagues in paying tribute to a friend and a distinguished colleague. When BILL FRIST arrived here, there were at least some of us with some qualms on this side of the aisle because he ran successfully against one of our dear friends, Jim Sasser. So, initially, there was a natural reluctance among some of us about this doctor who had defeated a great friend and a great Senator.

But early on, it was clear that BILL was special. As someone who had been trained in the medicine, in my own State of Massachusetts no less, he brought a new and fresh perspective to our national debates.

He was obviously a person of impressive skill, and it is no surprise that he rose so quickly to become majority leader. The roles of Senators and physicians are profoundly different in many ways, but at their core their missions are identical to help others to the maximum extent of our ability. And that is what BILL FRIST has done from the day he set foot in this chamber.

He was one of the first to understand the very real threat of bioterrorism to our Nation, and that was well before 9/11 or the anthrax attacks. Senator FRIST knew first-hand that our public health infrastructure was incapable of meeting the threat of a massive natural epidemic, let alone a deliberate biological attack. It was a privilege to work with him on the first bio-terrorism legislation, which because of his leadership we were able to pass before 9/11.

He has also been a pioneer in the effort to bring modern information technology into all aspects of health care, and to end the enormous human and financial costs caused by medical errors and by the needless administration of health care with outdated paper records. He has also helped shine a bright line on the serious problem of health disparities in our country.

He has inspired each of us with his commitment to addressing the horrific tragedy still unfolding in the world, especially in Africa, because of AIDS. He has dedicated himself to this issue for years, giving of himself personally, and urging Congress to act more expeditiously. He made time to continue this

missions of mercy, even after he became majority leader, and I was deeply touched by it every time.

I have had the good opportunity to meet his family, and I know, as others have said, where his values come from and how committed he is to them. I hope he'll be able to enjoy more time with them now without the burden of running the Senate.

We wish BILL FRIST the best as he prepares to leave the Senate. We know he will have great success, and we thank him for his service to our country. We will miss the majority leader, but we know he will continue to use his immense talent to make a very real difference for all humanity in the years ahead, and continue to make us proud to call him our friend.

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

Mr. DOMENICI. Mr. President, I wanted to say a few words before the leader left. I even hate to call him leader or majority leader. He has become a great friend. I don't know how to explain it, but I didn't really think coming to the Senate that I would have a chance to meet somebody like our good departing leader. I have met all kinds of people here. Henry Bellman once said: If you sit down with all 100 of them, no matter what you have said about criticizing them, there are no better 100 men put together in America than the 100 Senators who serve. I believe that is true. I am wondering now about whether the Senator wouldn't rival military leadership.

But the point is, I didn't think BILL—I know we can't do that in the Senate, use first names—but I didn't think I would ever meet in the Budget Committee of the U.S. Senate—sitting in the very last seat available was this man whose name is so simple, but I had so much trouble with it. Do you remember? I didn't say ''FRIST,'' I kept saying ''First.'' I don't know why, but I did that for a long time, and then it became sort of a—people would come up and punch me so I would say it right. But whether it is ''FRIST'' or ''First,'' I guess they mean about the same thing to me. You are truly first.

What we have gone through personally will not be reflected in the RECORD. People know I have had a few years of illness. It is mostly gone now. But I found out he was a superb doctor, and eventually I found out there weren't too many better anywhere. That made it easy because I had a ready-made doctor and he was the best. And we would meet in his office, and people would think it was always business, but they had no idea that it was half business, a little bit family—we got to know each other's families, and what a terrific and exciting thing that was for me—and I got to know about his excellence as a doctor.

It will be a different Senate, there is no question.

You have been dealt some cards that are not right. The years you were here, the things that were accomplished were not quite presented to the people as accomplishments or as big accomplishments, as they are. But if there is anybody interested in searching the RECORD during his term and during his leadership period to see what he accomplished, I believe you will have to end up saying there was nobody during his time here who accomplished more for his State and for the country. I believe an in-depth search of what he has done may even rival the best, even though he does not know how to legislate, and there is no question about that, and he does not know how to appropriate, and there is no question about that. He might not even know how to bring an appropriations bill up, and there might be no doubt about that. He may doubt it, but this Senator doesn't, and I am his best friend, but I have great doubts whether he knows how to get an appropriations bill up and passed.

But I still believe the business of the Senate is not done in those very overt ways that people think. It is done as you sit down for long hours on a conference report and come out with a health bill that all of a sudden is better than anything we have had before. When you find out who did it, it might not have been named for the Senator or for the chairman of this or that, but you will find out that for many hours, many trips were taken to his office, and many times, he said: Wait and we will do it in the morning, and I will tell you how to do it. And that happened.

I could go on for much longer, but I really wanted him to know that I just waited for my time. Being the fifth or sixth eldest here in seniority, I waited for my time here, and I didn't want to wait until tomorrow or the next day in fear that I would not find time or that the Senate would not accommodate. So I thought I would, as usual, be late for a next appointment, but I have a good excuse for being late for this next one.

I had to come here and say goodbye in a very interesting way, although it is not a goodbye. But I do think it is true that this will be a very major change in our friendship, in the way we react to each other, and the time we get to spend with each other. So it is an occasion, this leaving of the Senate, because you won't come back very often. Even though you say you will, you won't, and we won't get to see you. I really believe we will remember you, and probably we will call you more times than you will call us because I think we may just from time to time figure out more times than you will that we need some advice, and it will probably run in your direction, not in ours, in the ensuing years.

Good luck in whatever you do. It is not going to be this little return to being a country doctor, if that is what you are saying. You can't sell me on that. You are not going to be a little country doctor; you are not even going to be a regular doctor. You are going to do something much bigger than that. It is just waiting. Somebody is going to place it in front of you, and then you will do it and it will be something big and exciting for America and for our people, probably more exciting than you did here, so that will be a third one—one, the heart transplants and all that, one here with us, and then you will have a third one. In the meantime, you can do a lot of duck hunting, no problem with that. You can probably go with me, if you want. But if you shoot too well, I won't bring you anymore because it is embarrassing. It has to be sort of a modest hunt, not so superb that I am embarrassed. So we will have to work that out some way. And your son—he can't come anymore because he shoots too well. It is truly not the right thing to do. He should not be hunting with an old man like me. No way. But if it happens, we will accommodate it some way.

Having said all that I should and much more, I will say goodbye and thank you.

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

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

JIM TALENT

Mr. BOND. Mr. President, I rise on the floor to pay tribute to my very good friend and colleague, Senator JIM TALENT, who will be leaving the Senate next month.

I have known JIM for over 20 years, since he was minority leader in the Missouri House of Representatives. Throughout all these years, when he was in the State legislature and in the House as chairman of the Small Business Committee when I was chairman of the Senate Small Business Committee, I found JIM to be unfailingly a man of honesty, integrity, and hard work. He has been a wonderful friend and colleague.

I am going to miss him very much, and many people in Missouri are.

We all know that Washington can change a person, but it hasn't changed JIM. JIM still has the same commonsense Missouri values he brought with him to Washington. He still has the same calm, polite demeanor. He still has strong convictions and a work ethic. As I said to our folks back home in Missouri, in an arena of show horses he has been a work horse.

I was with him on the night he got the news that he lost the campaign. He was a man of unfailingly good humor and courage. And still, he thanked his Lord, his friends, and graciously accepted his fate.

I have a feeling and hope that public service will see much more of JIM TALENT somewhere, sometime. And whatever he decides to do in the public or in the private sector, the qualities he has

demonstrated to so many of us in the Senate will be one he will carry with him.

He served in the Senate for only 4 years, but when you look at his record of legislative achievements, he has had so many positive impacts on people's lives. It is hard to believe he could cram all of that into 4 years.

He has been a leader on national security, energy, and criminal justice.

As a member of the Senate Armed Services Committee, JIM worked to extend production of the C–17 line, allowing 30,000 workers across the country to keep their jobs, and more importantly to give our military strategic lift capability which they need to move troops and equipment to very difficult to reach places.

JIM also cares about our troops in battle. He sponsored legislation to end predatory lending to active servicemembers and their families. The new law just took effect 6 weeks ago. Some of our soldiers were paying almost 400 percent interest on money loaned to them. Thanks to JIM TALENT, the rates are now capped at 36 percent. I trust that applies to the Marines as well.

Last year, JIM worked very hard to include a renewable fuel provision in the Energy bill. On a bipartisan basis, under his leadership, the United States will produce up to 7½ billion gallons of renewable fuels with ethanol and biodiesel. That will be implemented by 2012.

JIM's work in this area will only become more important as we see in the future America continuing to face high energy costs and our attempt to reduce our dependence on foreign oil.

Another accomplishment JIM will be known for is something which is extremely important in our State of Missouri, and this work—again on a bipartisan basis with the Senator from California—was to fight meth. Meth is a drug that has been destroying lives and communities across our State for many years and now even across the country.

The Combat Meth Act has helped stop the supply of meth ingredients to dealers through the ban on over-the-counter sales. You see a significant reduction in meth lab busts. It shows that we are finally beginning to make progress against this drug.

Obviously, I have to mention his other bipartisan successes, such as the sickle cell disease bill and the Emmett Till bill.

On a narrow focus, JIM and I have worked together on many transportation and economic development projects to serve our State of Missouri, including the Liberty Memorial in Kansas City, the Page Avenue Extension in St. Charles, and countless others throughout the State.

I should also mention that my friend JIM TALENT has put forward some terrific proposals that he has been working on that have been enacted. His effort to allow small business employers to pool together to form association health plans comes to mind, and those of us who have been working to change the law so that small business employees and their families will have access to the same kind of insurance benefits that employees of major corporations have will not give up the fight. We are going to continue with his great leadership in mind.

I am sure the next Congress will follow up. This idea should be central to any discussion of expanding health care coverage to the uninsured.

JIM, as we prepare to say goodbye to you now from this floor, thank you for your years of devoted service to our State, to our Nation. With heartfelt gratitude, on behalf of my wife Linda and I, we wish you, Brenda, and your children the very best in future endeavors. And I know for a fact that there will be great successes ahead.

I yield the floor.

APPROPRIATE LEVEL OF MILITARY FUNDING

Mr. TALENT. Mr. President, my great friend and colleague from Missouri has an Intelligence Committee meeting to go to. So he went ahead and did his kind tribute before I give my speech, and those who are not aware of that may have thought that maybe they would be able to get in short tributes and avoid the long farewell speech. That is not true.

I will devote my time to a substantive and very important subject—the appropriate level of funding for America's military. It is an issue that I have worked on and fought for since I went to the House of Representatives in 1993.

I am grateful for my friend's remarks, and I want to say that I have always enjoyed serving in legislatures, in part because of the collegial nature of the service. When you are done, yes—it is the legislation that you worked on that you want people to remember, but what you remember are the friendships and the associations and the bonds that you have made. And, fortunately, those do not end with your service. I look forward to continuing to visit with my friends in the Senate for years to come. I hope to be able to work with them in other venues on issues of importance to America. Nothing is more important for America than her security.

Mr. President, America has the most capable military in the world by a large margin; in fact we have the best military that has ever served any nation at any time in human history. We should be proud of that; we should especially be proud of the men and women who make America's military what it is. But it would be wrong for us to believe that because our military is the best in the world or even the best ever, that it is as capable as it needs to be. True, America is many times stronger than other nations, but its responsibilities are many times greater as well. If Denmark's military is inadequate, it doesn't matter that much, even to Denmark; if America's military is inadequate, it matters tremendously, first to America, but also to the hopes and aspirations of people throughout the world.

We must understand the importance of this issue very clearly, without the distortions of ideology, politics, expediency, or wishful thinking. Like it or not, the progress of the international order towards peace and democracy depends on the reality and perception of American power. Like it or not, America is the first defender of freedom in the world and therefore always a prime target for those who hate freedom. And like it or not, while there are many tools in the basket of western diplomacy, the underpinning of them all is an American military establishment which the world knows is capable of swiftly, effectively and at minimal cost defeating every substantial threat to our security and to our freedom.

Judged by this standard—the only appropriate standard—the situation is very grave. I have substantial doubt—as good as the men and women are—whether our current military establishment is strong enough. Because of decisions over the last 15 years driven more by budgetary than military considerations, our Army and Navy may well be too small, and much of the equipment in all the services is too old and increasingly unreliable.

Whatever the current status of the military may be, there can be no doubt that without a substantial increase in procurement spending beginning now and sustained over the next 5 to 10 years—an increase, I suggest to the Senate today, that must be measured not in billions but in tens of billions of dollars above current estimates every year—our military will be set back for a generation. We will not be able to modernize our forces to the degree necessary to preserve our security with the necessary margin of safety.

I said that our current military is too small and inadequately equipped to execute the national military strategy. I will not go into detail on this point because my main focus is on the future, but a brief explanation is warranted. The world is, on balance, at least as dangerous today as it was at the end of the Cold War. And we may thank God we are no longer in danger of a massive nuclear attack from the former Soviet Union, nor is a major land war in Europe likely.

Against this, however, we are engaged in a global war on terror that will continue for years to come. The end of the Cold War led to the emergence of dangerous regional conflicts, such as the conflicts in the Balkans. We are in greater danger today of a rogue missile attack than ever been before, and China is emerging as a peer competitor much faster than anyone believed.

These conditions either did not exist, or like the conflicts in the former Yugoslavia, were suppressed, during the Cold War. As a result, the operational tempo of our conventional forces—and that means the rate, intensity and duration of their deployment—was far higher beginning in the

mid-1990s, even before September 11, than it had ever been during the Cold War. Yet at the beginning of the 1990s, our forces were 30 to 40 percent bigger than today. For example, the active-duty Army was cut from 18 divisions at the time of Desert Storm to only 10 divisions by 1994. Don't we wish that we had those additional divisions today to relieve the pressure in Iraq. The Navy has gone from 576 ships in the late 1980s to 278 ships today.

At the same time, procurement budgets have been cut substantially, far greater than the cuts in force structure warranted. The contrast in the average annual procurement of major equipment from two periods—1975 to 1990 and from 1991 to 2000—is startling. For example, we purchased an average of 78 scout and attack helicopters each year from 1975 to 1990, and only 7 each year from 1991 to 2000. We purchased an average of 238 Air Force fighters each year from 1975 to 1990, and an average of only 28 each year from 1991 to 2000. We purchased five tanker aircraft each year from 1975 to 1990, an average of only one per year from 1991 to 2000.

The implications for these dramatic reductions are profound. Older platforms—that is what the military calls ships, planes, and vehicles—are rather tired and not replaced, which means that force structure is reduced. Military capabilities are reduced. If platforms are not replaced, the average age of the fleet increases, readiness levels drop, and the cost of maintaining the smaller, older inventory climbs rapidly because maintenance costs increase.

For these reasons, I suggest that the current force today is too small and its equipment too old, relative to the requirements of our national military strategy. That strategy calls for a military capable of defending the homeland, sustaining four peacekeeping engagements, and fighting two large-scale regional conflicts, at least, at approximately the same time. We are supposed to be able to do all that at once. I believe the requirements of our military are actually greater than this, but in any event, we cannot execute even these commitments, and we certainly will not be able to do so in the future, within an acceptable level of risk, unless at least the Army is made bigger and unless all three services have the money to robustly recapitalize their major platforms with the most modern equipment.

For years, the various services, in response to pressure from political authorities to reduce the budget below what they needed, have delayed or cancelled new programs. They have been reducing the number of new ships or planes they say they need, kicking crucial decisions down the budgetary road, robbing Peter to pay Paul, and otherwise trying to avoid confronting the approaching funding crisis.

That crisis is upon us now. We are entering the crucial phase of recapitalization. Beginning with the next budget and intensifying over the next 5 to 10 years, the services are scheduled to bring online the new platforms that will anchor American security for the next generation. No one can say these programs are unneeded. The Navy must buy new destroyers, must ramp up procurement of Virginia-class submarines, must finalize the design and buy large numbers of Littoral Combat Ships and design and build a new CG–X cruiser.

The Air Force must buy large numbers of the F–22. That is our new air-superiority fighter. We must maintain the ability to have complete air superiority over any combat theater. The Air Force must buy large numbers of Joint Strike Fighters or equivalent aircraft. In addition, the Air Force must buy out its airlift requirement. That is how we transport personnel, equipment and supplies from one place to another in the world. It must build a new generation of tankers, must design and build a long-range strike bomber to replace the B–52. Our B–52 inventory is 45 years old.

The Army must rebuild, modernize or replace almost its entire capital stock of ground combat and support vehicles including many of its tanks.

The current procurement budget for all three services is $80.9 billion. Simple budgetary mathematics tells us that the services cannot possibly meet their crucial requirements without an average budget over the next 5 to 10 years that I estimate is at least 30 billion dollars higher than what we are now spending.

Perhaps I have gone into more detail than the Senate is willing to indulge me in already, but I want to look in some depth at the situation of the Navy. Here I speak from what I know because I have been the chairman of the Subcommittee on Seapower for the last 4 years. Currently, there are 278 ships in the U.S. Navy. The Navy shipbuilding plan calls for 326 ships by the year 2020, eventually settling down to an average of 313 ships. The plan actually calls for fewer aircraft carriers, a substantial drop in attack submarines, and fewer major surface combatants, but it attempts to make up for these reductions with modern destroyers, more capable submarines and what it calls pre-positioning ships that allow us to establish sea bases, from which to project forces ashore, as well as a whole new class of smaller multi-mission modular vessels called Littoral Combat Ships. There is no margin whatever for error in this plan. It is, at best, the minimum necessary for our security.

The Chief of Naval Operations—that is the admiral who leads the Navy—has estimated the plan will require a shipbuilding budget of $13.3 billion for fiscal year 2008, the upcoming budget year. That is $5 billion more than what was spent this year on ship building. His plan calls for that figure to escalate to $17.5 billion by 2012. I believe these figures are too conservative. It is a good-faith effort to calculate what we need but too conservative. I think the plan will require billions more each year to execute. Both the Congressional Budget Office and the Congressional Research Service agree. In any event, I say on my oath as a Senator, that it will be utterly impossible, at current levels of defense spending, for the Navy to reach and sustain the $13.3 billion figure, to say nothing of the even higher sums required in the out-years of the 5-year defense plan and beyond.

Beginning no later than 2009, there will be a growing shortfall in the shipbuilding accounts, in addition to an annual shortfall of $1 billion to $2 billion in Navy aviation procurement. I expect the total deficiency to be no less than $45 billion over the fiscal year 2008 to fiscal year 2016 period; and remember, this assumes that the 313-ship Navy is sufficient to protect American security, an optimistic assumption.

Lest the Senate get lost in all the figures, let me sum it up this way. The Navy, responding to budgetary pressure, has formulated a plan for a 313-ship Navy in the future which, frankly, may be inadequate; the Navy estimates a figure for funding the plan which independent authorities, using long-term historical cost data, believe is far too low. And yet without substantial increases in the Navy's procurement budget, it is a dead certainty that even that figure cannot be sustained.

As a practical matter, the expected shortfall means the sacrifice of two to three attack subs and two to three surface combatants, a reduction in purchases of the Littoral Combat Ships, and delays to the Sea Basing Program and the new CG–X Cruiser Program, which is necessary for missile defense.

The short of it is that the Navy needs at least an $8 billion increase per year in procurement above current estimates. The Marines need about $3 billion more. It is not necessary to go into the same level of detail with regard to the budgetary picture for the other services. The pain has been spread fairly evenly across the service, so they are in roughly in the same situation. That means a procurement shortfall over the next 10 years of at least $30 billion per year adjusted for inflation. Most independent experts believe the number is far higher.

For example, the CBO estimates that the overall defense budget shortfall will be no less than $52 billion per year. We should add to this the fact that the active-duty Army is clearly too small, as we have learned in Iraq. Even in an age of transformation and nonlinear battlefields, there are still times when America needs to put large numbers of boots on the ground, particularly in the post-September 11 period. The United States needs the ability to carry on sustained, large-scale peacekeeping or low-intensity combat operations, without having to send the same units three or four times to a combat theater over the duration of a mission. A nation of our size and strength should not have to use essentially its whole active-duty Army,

much of its Marine Corps, and many of its Reserves to sustain 130,000 troops over time in a combat view.

In 1992—which was right after Desert Storm—the Defense Department stated a requirement of 12 Active-Duty Army divisions. That was before the increases in operational tempo of the 1990s and before the global war on terror. The Army should surely be at least 12 divisions today. It costs approximately $2 billion to stand up and sustain an addition to the Army or Marine Corps of division strength so we need to invest $4 billion per year in increased force structure for the Army, in addition to the $30 billion more in new procurement funding.

So to sustain our military over the next generation at the appropriate level, we need to increase procurement spending and spending on the size of the Army by about $34 billion per year. And that is above current baseline estimates. It would have to be sustained over the life of the current defense plan and beyond.

I want to emphasize that this is, of necessity, a ballpark figure. It is always difficult to predict precisely the cost of new programs—some of which are in the design phase, particularly given the uncertainties associated with developing technologies. We will be acquiring this equipment over the next 10 to 20 years and needs in technology are going to change. We must confront the fact that whatever the necessary amount turns out precisely to be, the procurement budgets we are projecting today are fundamentally inadequate. We have to ramp up spending. We must begin now. And we have to accept the fact that it will not be cheap.

I, also, want to make clear that this additional $34 billion must come from an increased overall defense budget. There may be some who say that it is possible to cannibalize the rest of the defense budget to produce all or most of this additional procurement funding. That is a dangerous fantasy. The money cannot come from the supplemental appropriations bills. Those are necessary to pay the day-to-day costs of the war and may not have been adequate to do that. The money cannot come from reducing the readiness budget because that budget is overstressed already. It cannot come from reducing the number of service personnel because the military is already too small. It can't come from reducing salary and benefits. We have to retain the best people. Besides, Congress is far more likely, and properly in my view, to increase personnel benefits rather than reduce them. Take a look at the last 7 years. Total spending on defense health care, for example, increased from $17.5 billion in fiscal year 2000 to $37 billion in fiscal year 2006—an increase of more than 100 percent over the last 7 years, appropriately so.

The men and women of America's military deserve good salaries and benefits, and so do those who are retired. The savings from base closing is not going to supply the additional funds. Those are highly speculative. They will not occur, if at all, for many years, and they are unlikely to be more than a billion dollars per year.

Some say we can save money by reducing congressional earmarks or additions to the defense budget, and within limits that is true. But the total of such earmarks is no more than $3 billion to $4 billion per year. Realistically, Congress is not going to give up all of them, and at least some number of them are clearly justified because they simply restore to the budget items that our service chiefs desperately wanted and omitted only because of budgetary pressure.

Still others will say we can get the necessary additional funding by lowering the cost of new programs through procurement reform. I am all for procurement reform. I have been for it ever since Secretary Bill Perry, who was a great Secretary of Defense, proposed it over 10 years ago. We have had several waves of procurement reform since then. Several Defense Secretaries have all championed its virtues. We continue to hold oversight hearings to pressure the defense industry to lower costs. We keep trying to catch people in the Department who might be violating procurement regulations. I have chaired some of those hearings.

Meanwhile, the cost of new programs keeps going up. I suggest the reasons have less to do with deficiencies in the procurement system, bad as it is, than with the stress on the industrial base and on the military caused by the budgets that are consistently too low and unstable.

One of the arguments supporting reductions in force in the past has been that transformational technology and tactics can empower the military to do more with less. The idea is to make each servicemember, each plane, ship, and vehicle less vulnerable so we lose fewer of them, and more lethal so we need fewer of them. Within limits, that is sometimes true. But the best technology costs money, and changing technology, tactics, and doctrine makes it more difficult to fix stable requirements. Program instability costs money, too.

Here is an example. The Navy originally planned to procure 32 DD(X) next-generation destroyers. The ship has a truly advanced design. It is a marvel of transformational technology. But its unique capabilities have driven the per ship cost to about $3 billion. As a result, the Navy plans to procure only seven new destroyers. The problem is that the complexity of the ship's design, the unprecedented capabilities of the vessel, and the high price of the best technologies, have all driven up cost to the point where the ship is impossible to procure in sufficient numbers at current budget levels.

Another example, the Air Force desperately needs more air lift, and it also needs a new tanker aircraft. The Air Force shoulders much of the mobility mission, and it also performs the mid-air refueling mission. Normally, the Air Force would simply buy more C–17 aircraft. It is a perfectly good, modern cargo aircraft. Then the Air Force would design and procure a new tanker. But because the service is under tremendous pressure to save money, it has decided to develop a cargo-tanker, combining the two missions into one aircraft. The service assures us that it is not going to have any bells and whistles on the new plane, and the aircraft will be low in cost.

Surely, the concept of a cargo-tanker allows the Air Force to claim that it will be able to perform both of these missions while relieving some of the pressure on its budget. But, again, reality must and will eventually bite. As requirements build and changing technologies force changes in design, the odds are very high that the cost of the new aircraft—if it is to do the combined mission it is supposed to do—will go up substantially.

The problem of cost is exacerbated by the stress on the defense industrial base. Procurement budgets have been too low for 15 years and because of budgetary pressured they constantly change. The Department regularly projects what it intends to procure in the outyears of its defense plan but then often makes last-minute cuts and changes.

Under those circumstances, it is no surprise that contractors are not investing sufficiently in the defense industrial base. It is shrinking, and it is undercapitalized. That means fewer competitors, more sole-source contracts, less research, and, therefore, higher costs. No amount of oversight, reform, or pressure on procurement officials can change that.

The good news is that a robust and consistent commitment to adequate funding would soon begin to reverse these trends. Again, I am all for improvements in the way we design and build new systems, and those improvements can save money. But they cannot work miracles. Sufficient and stable funding is not only consistent with transformation and efficient use of the taxpayers' dollars, it is necessary to both. If Congress were to commit to my proposal, for example, the service chiefs and the defense industry would know that substantial new money was coming—enough to make it at least plausible they could produce and acquire the systems they need. They could budget for the long range, knowing that funding would be stable. They could work together in a way that would reduce costs instead of trying to pull money away from other services or maneuver year to year just to keep vital programs alive, and often, in a way, that ends up costing the taxpayers more in the long run.

We must stop thinking that facing reality and funding our military adequately is beyond the reach of this great Nation. Yes, the Federal Government has fiscal problems. Yes, the two

major parties have very different views on what to do about those problems, but nobody can or does claim that the defense budget is the cause.

Right now, we are spending 3.8 percent of our gross domestic product on the regular defense budget. That is a very low percentage historically, far less than we spent at any time during the Cold War. Under President Carter, we spent 4.6 percent of the GDP on national defense.

If we spent only 4.2 percent now, we could easily fund what I have proposed. We would have a fighting chance to support our service men and women with the equipment they need and deserve. We could sustain the military power that the last two Presidents have used to protect our freedom and stabilize the post-Cold-War world. We would send the clearest possible message to both our friends and enemies, and to those nations who are deciding now whether they are going to be a friend or enemy, that whatever happens, whatever the direction our foreign policy takes, the United States has the ability to sustain our freedom and the hope of freedom for the world.

To those who worry about the price of strength, I say there is a greater price to be paid for weakness. How many conflicts will we invite, how much instability will we engender, if we allow this restless and troubled world to doubt America's ability to defend herself?

Let's look at the risks of alternative courses of action. If we adopt the course I suggest, and it turns out that I was wrong, all we will have lost is a fraction of our wealth wealth that would be spent in this country on products produced by our workers, for a margin of safety that, in the end, we did not need. But if we stay on our current course, and it turns out that I was right, how much will we pay then in lost lives and treasure, fighting in conflicts that a policy of strength would have deterred?

How big will the deficit become then, in a world made less stable by American weakness? What effect will that have on the economy, and not just the economy, but on the hopes and opportunities of the next generation—our children and our grandchildren—who have the right to expect that we are looking out for them?

Twenty-five years ago, our country was also in a difficult situation. Our enemies doubted American resolve. They were challenging us on a number of fronts. We had just gone through a period of chronic underfunding of the military, probably worse than what has happened recently. As a result, the force was hollow, unable to reliably perform the missions necessary to protect America. That is why the tragic Desert One mission went so wrong in the desert during the Iranian hostage crisis.

When President Reagan assumed office, he faced the situation squarely and honestly, and with the support of a Democratic House and Republican Senate, he secured two double-digit increases in the overall defense budget, and reasonable increases for several years thereafter. On the strength of that bipartisan commitment, America's service men and women and America's defense industrial base transformed our military into the truly dominant force that fought and won Operation Desert Storm.

A united government sent the message to friend and foe alike that whatever our differences about foreign policy, America was still willing to pay the price of freedom. It is not too much to say that the decisions made in 1981 and 1982 laid the basis for the collapse of the Soviet Union, the success of Operation Desert Storm, and the benefits of peace and security that we enjoyed throughout the 1990s.

With this speech, I bring my career in the Senate to a close. I believe I can do no greater service to my country than to urge Senators not to be dissuaded by the counsels of those who say that what I have proposed cannot be done.

At the beginning of my remarks I stated that America's service men and women are the finest who have ever served in any military on behalf of any nation at any time. I should have included their families as well. I realized that when today, just a few hours ago, I had the privilege of meeting with Dana Lamberson and her two children, Kelsi and Evan.

Mrs. Lamberson's husband, SFC Randall Lamberson, was killed in Iraq only 8 months ago. Mrs. Lamberson told me that before her husband deployed, their family openly discussed the sacrifice which he, and they, might be called on to make. I asked her how she was able to bear her grief with such grace and fortitude. She told me that when she was tempted to be discouraged, she remembered what her husband had always said when times were tough: that ''life is only as difficult as you make it.''

Mr. President, I have met thousands of Americans over the last 4 years like the Lamberson family, not just soldiers and their families, but people from every walk of life, who live each day with courage, resilience, and optimism. Because of them, I believe with all my heart that America's time of leadership is not done.

I ask the Senate to honestly face the true cost of defending this Nation. If we do, if we carry that burden with confidence, we will find the weight of it to have been a small thing compared to the blessings of peace and liberty we will secure for ourselves, and the hope we will give to freedom-loving people all over the world.

Mr. President, I cannot close without thanking my dedicated staff who served the people of Missouri so well over the last 4 years, who have kept me going, kept me on time, who are largely responsible for the many pieces of legislation which Senator BOND was kind enough to mention. I just ask the Senate to indulge me for another moment or two because I am going to read their names. I think they deserve it: Mark Strand, my chief of staff; Cortney Brown, my scheduler; Les Sealy, our great office manager who always got us what we needed; Brian Anderson, our IT manager. I am glad he understood it because I never do.

I thank our legislative staff: Brett Thompson, legislative director; Faith Cristol, our great legislative counsel; and my legislative assistants: Lindsey Neas, Katie Smith, Heath Hall, Jesse Appleton, Katie Duckworth, Christopher Papagianis, Shamed Dogan, and John Cox, who works so hard and so well on veterans issues, a man who has served this country in many different venues; Andy Karellas, Martha Petkovich, and Sarah Cudworth, who did legislative correspondence, grants and case work; Peter Henry, who managed the mail; Sarah Barfield, my staff assistant; two great Navy Fellows: CDR Dan Brintzinghoffer and LCDR Lori Aguayo, two patriots and both outstanding officers; and Mark Hegerle, my Energy Fellow who came over from the Federal Energy Regulatory Commission just in time to help me make a real difference on the Energy bill.

I want to thank our press shop: Rich Chrismer, my great communications director; Erin Hamm, and Andrew Brandt.

Casework—we handled over 10,000 cases. I am a big believer in casework. This is a big government, and navigating it is hard, and if we could help, we wanted to help. I thank Nora Breidenbach, Jenny Bickel, Abby Pitlick, Debbie Dornfeld, and Jessica Van Beek.

And the State staff, we always tried to integrate the work of the State staff and the Washington staff, and I think we did it. I thank Gregg Keller, our State director; in St. Louis: Kacky Garner, my district director; Peggy Barnhart; Rachel McCombs; and Angel McCormick Franks; in Kansas City: Joe Keatley, my great district director; Danny Pfeifer; Emily Seifers; Greg Porter; and Erick Harris; in Jefferson City: Donna Spickert, who was the State capitol director; and Becky Almond, my instate scheduler, as well as a great staff assistant; in Springfield: Terry Campbell, the district director; Christopher Stone; and Coriann Gastol; and in Cape Girardeau: Jeff Glenn, who directed that office; and Liz Mainord.

I also want to thank, as other Senators have done, my family, my wife, obviously, in particular, who has shared the highs and lows of this job, and my wonder kids.

Mr. President, it remains only for me to thank my colleagues in the Senate for the many kindnesses, personal and professional, which they have shown me and my family over the last 4 years.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to discuss a number of matters briefly.

HONORING SENATORIAL SERVICE

BILL FRIST

First, I want to join my colleagues in paying tribute to our majority leader, Senator BILL FRIST, who has done such an outstanding job in the past 12 years.

Senator FRIST came to this Senate as a real all-American. He has displayed extraordinary talents, academically, professionally, public service, as a family man, as a friend, at Princeton and Harvard Medical School, a renowned heart and lung transplant surgeon, then selected to be the majority leader and has taken this body through a very difficult 4 years and a very productive 4 years.

A great deal has been said about Senator FRIST earlier today. I just wanted to add my personal congratulations to him on his service and to wish him well.

RICK SANTORUM

Mr. President, I regret the departure of my distinguished colleague, Senator RICK SANTORUM. He has been really a ball of fire in the U.S. Congress. He was elected in 1990 to the House of Representatives, defeating a long-term incumbent by literally going door to door in his district in the Pittsburgh area.

He was elected to the U.S. Senate in 1994, reelected in the year 2000, and has displayed admirable qualities—energy, determination, confidence, and the pursuit of his own personal values. There is no doubt that Senator SANTORUM has espoused, articulated, and pushed causes he deeply believed in which may not have been popular in many quarters, but he was determined to undertake the pursuit of those values because he believed in them so deeply. I counseled him from time to time to save some of his philosophy for December of the year 2006.

A famous quotation about President Lincoln; he was asked by a little boy, in effect: How do you serve, Mr. President?

He said: I represent my true beliefs and values 90 percent of the time.

The little boy said: Well, what about the other 10 percent?

The famous statement by President Lincoln: So that I can represent my true values 90 percent of the time.

It is not unknown in our body to occasionally defer some of the more controversial positions. But Senator SANTORUM didn't do that. He spoke his mind and he spoke his heart. Those are rare qualities in public life and public service and in politics. For that, I salute him.

On a personal level, RICK and I have had a superb relationship, not only professionally, not only politically, but also personally. A more devoted family man could not be found. He has taken this turn of electoral results philosophically and in a good spirit. I have had some experience on the losing end of elections and, having been there, I say that he has responded with great class, with great style. His comment earlier this week was: Tough on the family, tough on Karen, tough on the children, but now they have their husband back, and they have their father back. And he had a big smile and a sense of satisfaction. He spoke to the caucus yesterday, and he exuded confidence. He exuded personal pride in what he had done. I join him in that. As a colleague, I personally will miss him very much. I know that will be the sentiment of this body, even those with whom he has tangled in a rigorous way.

CONFIRMATION OF JUDGES

Mr. President, I urge my colleagues to move ahead with the confirmation of judges.

We have U.S. District Judge Kent Jordan, of the District of Delaware, who has been nominated to be a judge on the U.S. Court of Appeals for the Third Circuit. He has been approved by the Judiciary Committee and is ready for floor action. Nobody has anything adverse to say about Judge Jordan. He is endorsed by both of the Delaware Senators, both of whom are Democrats. They have a judicial emergency in the Third Circuit, and he ought to be confirmed.

We also have a list of some 13 district court nominations pending on the executive calendar. I ask unanimous consent that the list be printed at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. SPECTER. A good number of these nominees are also in districts where there are judicial emergencies. I think that from time to time we in the Senate, where we have the responsibility for confirmation, don't really take seriously enough the impact of judicial vacancies. The courts are busy. The Third Circuit, my circuit, is overwhelmed. District Court Judge Jordan ought to be confirmed. My colleagues have told me about the problems posed by vacancies in their states. If these other 13 districts nominees are not confirmed today, they will languish until who knows—January turns into February and February in March. We always find a reason around here not to do something. That applies most emphatically to the judges.

It is my hope that in the 110th Congress, we will approach judicial confirmations a little differently. I have already consulted with Senator LEAHY, who will become chairman of the committee. Senator LEAHY and I have had an excellent working relationship on a bipartisan basis, and the record shows it. I don't have to go into detail about that. I have recommended to the White House that the it consult with Senator LEAHY and the Democrats, as well as with Arlen Specter, as ranking member, and the Republicans. There is a limited amount of time. We know what happens in a Presidential election year.

Let us make a determination about which judges can be confirmed—judges who meet the standards and criteria of President Bush but who also pass muster in the U.S. Senate on both sides of the aisle. We have had vacancies for interminable periods of time. I have discussed this with Senator LEAHY and with the White House.

I hope we approach the 110th Congress differently. And before this Congress adjourns, the 109th, I hope we will confirm these judges who are on the calendar awaiting floor action.

EXHIBIT 1

JUDICIAL NOMINEES PENDING ON THE SENATE FLOOR

The following nominees were all reported out of the Judiciary Committee prior to the October recess. Eight of the 14 nominees on the floor are in districts where judicial emergencies have been declared.

Nominee	Position	Date Nominated	Total Days Pending
Circuit:			
*Kent A. Jordan	Third Circuit	6/29/2006	161
District:			
Valerie Baker	Central District of California	5/4/2006	217
Nora Barry Fischer	Western District of Pennsylvania	7/14/2006	146
Gregory Frizzell	Northern District of Oklahoma	6/7/2006	183
*Philip Gutierrez	Central District of California	4/24/2006	227
Marcia M. Howard	Middle District of Florida	6/6/2006	184
John A. Jarvey	Southern District of Iowa	6/29/2006	161
*Robert J. Jonker	Western District of Michigan	6/29/2006	161
Sara E. Lioi	Northern District of Ohio	7/14/2006	146
*Paul L. Maloney	Western District of Michigan	6/29/2006	161
*Janet T. Neff	Western District of Michigan	6/29/2006	161
*Lawrence J. O'Neill	Eastern District of California	8/2/2006	127
*Leslie Southwick	Southern District of Mississippi	6/6/2006	184
*Lisa Godbey Wood	Southern District of Georgia	6/12/2006	178

*Indicates a Judicial Emergency.

ATTORNEY-CLIENT PRIVILEGE PROTECTION ACT

Mr. SPECTER. Mr. President, I introduced legislation which will modify practices of the Department of Justice on the attorney-client privilege where the Department of Justice, acting under a memorandum called the

Thompson Memorandum by Deputy Attorney General Thompson, has initiated a policy where requests are made to waive the attorney-client privilege, and if the attorney-client privilege is not waived, then that is considered in the charges brought by the Federal Government, and also a commitment that corporations will not pay counsel fees for their employees whom they are customarily expected to defend. This is an encroachment and a violation of the sixth amendment right to jury trial.

Because of the limited time and other Senators waiting, I will not elaborate upon the provisions of this legislation.

I ask unanimous consent that a summary of the bill and the text of the bill be printed in the RECORD.

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

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

S. ____

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Attorney-Client Privilege Protection Act of 2006''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Justice is served when all parties to litigation are represented by experienced diligent counsel.

(2) Protecting attorney-client privileged communications from compelled disclosure fosters voluntary compliance with the law.

(3) To serve the purpose of the attorney-client privilege, attorneys and clients must have a degree of confidence that they will not be required to disclose privileged communications.

(4) The ability of an organization to have effective compliance programs and to conduct comprehensive internal investigations is enhanced when there is clarity and consistency regarding the attorney-client privilege.

(5) Prosecutors, investigators, enforcement officials, and other officers or employees of Government agencies have been able to, and can continue to, conduct their work while respecting attorney-client and work product protections and the rights of individuals, including seeking and discovering facts crucial to the investigation and prosecution of organizations.

(6) Despite the existence of these legitimate tools, the Department of Justice and other agencies have increasingly employed tactics that undermine the adversarial system of justice, such as encouraging organizations to waive attorney-client privilege and work product protections to avoid indictment or other sanctions.

(7) An indictment can have devastating consequences on an organization, potentially eliminating the ability of the organization to survive post-indictment or to dispute the charges against it at trial.

(8) Waiver demands and other tactics of Government agencies are encroaching on the constitutional rights and other legal protections of employees.

(9) The attorney-client privilege, work product doctrine, and payment of counsel fees shall not be used as devices to conceal wrongdoing or to cloak advice on evading the law.

(b) PURPOSE.—It is the purpose of this Act to place on each agency clear and practical limits designed to preserve the attorney-client privilege and work product protections available to an organization and preserve the constitutional rights and other legal protections available to employees of such an organization.

SEC. 3. DISCLOSURE OF ATTORNEY-CLIENT PRIVILEGE OR ADVANCEMENT OF COUNSEL FEES AS ELEMENTS OF COOPERATION.

(a) IN GENERAL.—Chapter 201 of title 18, United States Code, is amended by inserting after section 3013 the following:

''§ 3014. Preservation of fundamental legal protections and rights in the context of investigations and enforcement matters regarding organizations

''(a) DEFINITIONS.—In this section:

''(1) ATTORNEY-CLIENT PRIVILEGE.—The term 'attorney-client privilege' means the attorney-client privilege as governed by the principles of the common law, as they may be interpreted by the courts of the United States in the light of reason and experience, and the principles of article V of the Federal Rules of Evidence.

''(2) ATTORNEY WORK PRODUCT.—The term 'attorney work product' means materials prepared by or at the direction of an attorney in anticipation of litigation, particularly any such materials that contain a mental impression, conclusion, opinion, or legal theory of that attorney.

''(b) IN GENERAL.—In any Federal investigation or criminal or civil enforcement matter, an agent or attorney of the United States shall not—

''(1) demand, request, or condition treatment on the disclosure by an organization, or person affiliated with that organization, of any communication protected by the attorney-client privilege or any attorney work product;

''(2) condition a civil or criminal charging decision relating to a organization, or person affiliated with that organization, on, or use as a factor in determining whether an organization, or person affiliated with that organization, is cooperating with the Government—

''(A) any valid assertion of the attorney-client privilege or privilege for attorney work product;

''(B) the provision of counsel to, or contribution to the legal defense fees or expenses of, an employee of that organization;

''(C) the entry into a joint defense, information sharing, or common interest agreement with an employee of that organization if the organization determines it has a common interest in defending against the investigation or enforcement matter;

''(D) the sharing of information relevant to the investigation or enforcement matter with an employee of that organization; or

''(E) a failure to terminate the employment of or otherwise sanction any employee of that organization because of the decision by that employee to exercise the constitutional rights or other legal protections of that employee in response to a Government request; or

''(3) demand or request that an organization, or person affiliated with that organization, not take any action described in paragraph (2).

''(c) INAPPLICABILITY.—Nothing in this Act shall prohibit an agent or attorney of the United States from requesting or seeking any communication or material that such agent or attorney reasonably believes is not entitled to protection under the attorney-client privilege or attorney work product doctrine.

''(d) VOLUNTARY DISCLOSURES.—Nothing in this Act is intended to prohibit an organization from making, or an agent or attorney of the United States from accepting, a voluntary and unsolicited offer to share the internal investigation materials of such organization.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 201 of title 18, United States Code, is amended by adding at the end the following:

''3014. Preservation of fundamental legal protections and rights in the context of investigations and enforcement matters regarding organizations.''.

ATTORNEY-CLIENT PRIVILEGE PROTECTION ACT OF 2006

The bill protects the attorney-client relationship by prohibiting federal lawyers and investigators from: (1) requesting that an organization waive its attorney-client privilege or work product doctrine; and (2) conditioning any charging decision or cooperation credit on waiver or non-waiver of privilege, the payment of an employee's legal fees, the continued employment of a person under investigation, or the signing of a joint defense agreement.

All of the acts and considerations prohibited by the bill are acts and considerations that federal prosecutors must factor into any corporate or organizational charging decision under DOJ's Thompson Memorandum, which is described in more detail below.

The bill is appropriately narrow. It allows organizations to continue offering internal investigation materials to prosecutors, but only if such an offer is entirely voluntary and unsolicited by the prosecutors. The bill also allows prosecutors to seek materials that they reasonably believe are not privileged.

Mr. SPECTER. I well understand that there will be no action on this matter during this Congress, but I want to put it into the public milieu so there can be comment about it and it will be pursued in the next Congress. The Department of Justice has advised that they are going to revise the Thompson Memorandum to a memorandum called the McNulty Memorandum from the Deputy Attorney General. I had hoped we would have had it before the Senate went out of session so that we could have reviewed it and perhaps accepted their work, but it is not ready. I have advised Deputy Attorney General Paul McNulty and also Attorney General Gonzales that this legislation would be introduced and we can work on it in the next Congress.

HEDGE FUNDS

Mr. SPECTER. Mr. President, I will include for the RECORD proposed legislation to deal with hedge funds. The Judiciary Committee has had a series of hearings on this important subject, now $1.3 trillion in the economy, 30 percent of the stock transactions. After reflecting on the matter, I have decided not to introduce the legislation but simply to put the draft bill in the record so that there can be further comment. I talked about this proposed legislation earlier this week and had said that I was going to introduce the legislation, but I want to give interested parties more time to comment on it.

I ask unanimous consent that a summary of the bill and the bill itself be printed in the RECORD. I am not introducing the bill. I do not look for a Senate bill number on it. But it will be in the public record, and there will be more time for people in the profession to evaluate and comment upon it.

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

S. ____

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Criminal Misuse of Material Nonpublic Information and Investor Protection Act of 2006''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Unlawful insider trading causes a loss of confidence in the integrity of the securities markets, increases the cost of equity capital, and places small investors at a disadvantage.

(2) Unlawful insider trading and other misuse of material nonpublic information is insidious and has become pervasive. The number of insider trading referrals to the Securities and Exchange Commission from the New York Stock Exchange has doubled in the past 2 years.

(3) There is a need to increase the probability that wrongdoers will be detected and successfully prosecuted and to decrease the opportunity for misuse of material nonpublic information.

(4) Criminal prosecutions and effective compliance programs are the most effective deterrent to unlawful insider trading and other misuse of material nonpublic information.

(5) Effective criminal enforcement has depended on close cooperation and sharing of expertise and duties of investigation among civil regulatory agencies, such as the Securities and Exchange Commission, the Commodities Futures Trading Commission, the Department of Justice, and self-regulatory organizations. Certain recent court decisions have chilled this cooperation.

(6) Misuse of material nonpublic information by manipulating the grant dates of stock options or timing of publication of material nonpublic information for purposes of more profitable trading is a form of unlawful insider trading that harms investors. Public companies that adhere to a regular and objectively identifiable program for selecting option grant dates presumptively are not engaging in fraudulent behavior regarding the grant of those options.

(7) The hedge fund industry currently accounts for approximately 30 percent of all United States equity trading volume, and this percentage has been growing rapidly. A substantial percentage of the open investigations of insider trading by the Securities and Exchange Commission in 2006 involve hedge funds.

(8) Hedge funds increasingly are making loans, participating in private placements, and sitting on bankruptcy committees and corporate boards. These changes increase hedge funds' access to material nonpublic information. Pressure on hedge funds to deliver high returns may increase the risk of insider trading or other misuse of such information.

(9) Light regulation, secrecy, unregulated recordkeeping, and limited compliance programs of hedge funds increase the difficulty of detecting and proving unlawful insider trading by hedge funds.

(10) Hedge funds enhance market liquidity and contribute to pricing efficiency and market stabilization, but these sophisticated instruments should be restricted to wealthy investors. Recent hedge fund collapses and fraudulent trading activities have harmed retirees and smaller investors who increasingly are exposed to the risk of hedge funds through intermediaries such as pension funds and long term growth and saving vehicles. Requiring registration with the Securities and Exchange Commission by hedge funds or hedge fund advisers that sell securities to or manage investments of pension funds and smaller investors strikes the appropriate balance between investor protection and capital formation needs.

(b) PURPOSE.—The purpose of this Act is to ensure effective criminal enforcement of prohibitions against unlawful insider trading and effective protection of the integrity of the securities markets and investors who use them by authorizing coordination of investigation by civil regulatory agencies and the Department of Justice, providing effective incentives for private citizens to report and provide evidence of misuse of material nonpublic information, requiring hedge funds to create and enforce effective compliance programs and ensure maintenance of records, and removing exemptions from coverage under the Securities Act of 1933, and the Investment Company Act of 1940, for hedge funds that choose to sell to and manage investments of pension funds and retail investors, unless the adviser or manager is registered under the Investment Advisers Act of 1940.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term ''hedge fund''—

(A) means a privately offered, pooled investment vehicle—

(i) that is not widely available to the public; and

(ii) the assets of which are managed by a professional investment management firm or other fund manager or adviser; and

(B) does not include a private equity, venture capital, or real estate fund; and

(2) the term ''qualified purchaser'' has the meaning given that term in section 2 of the Investment Company Act of 1940 (15 U.S.C. 80a-2).

SEC. 4. MISUSE OF MATERIAL NONPUBLIC INFORMATION.

Section 1348 of title 18, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Whoever''; and

(2) by adding at the end the following:

''(b) MISUSE OF MATERIAL NONPUBLIC INFORMATION.—

''(1) IN GENERAL.—It shall be unlawful for any person to—

''(A) knowingly use material nonpublic information of a specific nature gained by means other than research and skill as a significant factor in a trading decision (including a decision affecting the timing or volume of trading) in connection with any security of an issuer with a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l) or that is required to file reports under section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o) (including trading in options contracts), regardless of whether such person owes a duty to, has an agreement with, or makes a disclosure of intent to trade to the source of the information; or

''(B) knowingly use material nonpublic information of a specific nature to establish, or to otherwise manipulate, the grant date or strike price of stock options or the timing of the publication of material nonpublic information for the purpose of creating the potential for increased profitability of the exercise of stock options or other trading in securities.

''(2) PENALTY.—Whoever violates paragraph (1) shall be fined under this title, imprisoned not more than 25 years, or both.

''(c) INVESTIGATIONS OF OFFENSES.—

''(1) IN GENERAL.—The Attorney General may, in the discretion of the Attorney General, and in no way in limitation of any other authority of the Attorney General—

''(A) make such investigations as the Attorney General determines necessary to ascertain whether any person has violated, is violating, or is about to violate any provision of this section;

''(B) request or receive, at any stage of an investigation, evidence concerning such acts or practices as may constitute a violation of this section from the Securities and Exchange Commission, Commodities Futures Trading Commission, or another Federal agency; and

''(C) coordinate the investigation and prosecution of acts or practices as may constitute a violation of this section with the attorney general of any State or States.

''(2) NO REQUIREMENT TO DISCLOSE.—The Attorney General and agents of any other Federal agency have no duty, and shall not be required, to disclose any contact or investigation described in paragraph (1) to any person, except under a court order issued on good cause shown that the sole basis for the civil investigation is to assist in a criminal investigation by the Attorney General.''.

SEC. 5. INCENTIVES FOR PRIVATE CITIZENS TO REPORT AND ASSIST IN THE INVESTIGATION OF UNLAWFUL INSIDER TRADING; PROTECTION FROM RETALIATION.

(a) AWARDS.—

(1) IN GENERAL.—The Attorney General of the United States may award an amount equal to not more than 30 percent of any fine, penalty, or settlement recovered by the Attorney General to a person who provides information leading to the prosecution of unlawful insider trading, or other violation of section 1348 of title 18, United States Code, (as amended by this Act), the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), or a related wire or mail fraud.

(2) CONSIDERATIONS.—In making an award under this subsection, the Attorney General shall take into account—

(A) the importance of the information provided by the person;

(B) whether the Federal Government had some or all of the information provided by the person before that person provided that information;

(C) whether the information was provided voluntarily;

(D) whether the person was complicit;

(E) the assistance of other persons; and

(F) the amount of the fine, penalty, or settlement from which the award will be paid.

(3) IDENTITY.—The identity of a person providing confidential information regarding unlawful insider trading or related fraud may remain anonymous, and that person may still be eligible to receive an award under this subsection, if that person provides sufficient evidence to allow the identification of that person as the source of that information.

(4) EXCLUSIONS.—A Federal employee or an employee of a self-regulatory organization (as that term is defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c)) may not receive an award under this subsection if the information provided to the Federal Government was gained in the course of the employment of that person.

(b) RETALIATION.—A person who suffers retaliation because that person, in good faith

and with reasonable basis, has provided specific information about unlawful insider trading to the Federal Government, or has assisted in a Federal investigation of unlawful insider trading, may file a private action in a United States district court against the person or entity that has engaged in the retaliation, and may recover damages based on economic losses resulting from such retaliation, and attorneys' fees.

SEC. 6. COMPLIANCE AND RECORDKEEPING BY HEDGE FUNDS AND FUNDS OF HEDGE FUNDS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, each hedge fund, fund of hedge funds, and manager of a hedge fund or fund of hedge funds that offers securities to, or manages investments of, residents of the United States shall—

(1) establish a written code of ethics that contains provisions reasonably necessary to prevent misuse of material nonpublic information;

(2) design a formal compliance program and written policies and procedures that address—

(A) safeguarding of material nonpublic information;

(B) misuse of material nonpublic information;

(C) the personal securities transactions and ownership of employees;

(D) employee education and acknowledgment of education;

(E) the role of trained compliance personnel in the monitoring and control of material nonpublic information; and

(F) detection and prevention of misuse of material nonpublic information; and

(3) implement procedures, internal controls, and recordkeeping systems adequate to ensure compliance with the code, program, policies, and procedures described in paragraphs (1) and (2).

(b) PENALTY.—Any hedge fund, fund of hedge funds, or manager or adviser of a hedge fund that fails to comply with subsection (a) and offers securities to, or manages investments of, residents of the United States shall each be fined not more than $5,000 per day of material violation of this section.

(c) ENFORCEMENT.—

(1) IN GENERAL.—Compliance with this section shall be enforced by the Department of Justice and the Securities and Exchange Commission.

(2) RECORDS.—The records of a hedge fund, fund of hedge funds, or manager or adviser of a hedge fund relating to a requirement of this section or compliance with this section are subject to reasonable periodic, special, and other examination by a representative of the Department of Justice or the Securities and Exchange Commission for purposes of determining compliance with this section.

(d) DISCLOSURES.—Each hedge fund and fund of hedge funds shall provide any investor or prospective investor in that hedge fund with information to enhance the ability of that investor or prospective investor to evaluate investment decisions regarding that hedge fund, including information regarding—

(1) the investment objectives, strategies to be employed, and range of permissible investments of that hedge fund;

(2) the risks of making an investment in that hedge fund, including the use of debt to leverage returns;

(3) base-line performance information regarding that hedge fund;

(4) any agreement between the hedge fund and investors that varies the material terms of the arrangements with certain investors; and

(5) whether that hedge fund has engaged qualified external auditors to audit annual financial statements.

SEC. 7. REGISTRATION OF HEDGE FUNDS THAT CHOOSE TO OFFER SECURITIES TO PENSION FUNDS AND SMALLER INVESTORS.

(a) SECURITIES ACT OF 1933.—On and after the date that is 300 days after the date of enactment of this Act, the sale of securities, directly or indirectly, by a hedge fund, fund of hedge funds, or manager or adviser of a hedge fund to a pension fund or investor who is not a qualified purchaser shall be a public offering for purposes of section 4(2) of the Securities Act of 1933 (15 U.S.C. 77d(2)).

(b) INVESTMENT COMPANY ACT OF 1940.—On and after the date that is 300 days after the date of enactment of this Act, a hedge fund manager or adviser that manages, directly or indirectly, the investments of a public or private pension fund or of any person who is not a qualified purchaser may not be determined to be excluded from the definition of an investment company for purposes of the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) based on paragraph (1) or (7) of section 3(c) of that Act (15 U.S.C. 80a-3(c)).

(c) APPLICABILITY.—This section shall not apply—

(1) to any hedge fund or fund of hedge funds if less than 5 percent of the capital of that fund is attributable, directly or indirectly, to investments by pension funds or investors who are not qualified purchasers; or

(2) to a hedge fund adviser, if that advisor is registered with the Securities and Exchange Commission under the Investment Advisers Act of 1940.

SEC. 8. REVISING DEFINITION OF ACCREDITED INVESTOR AS APPLIED RETAIL INVESTMENT IN HEDGE FUNDS.

A hedge fund may not charge a performance fee, if more than 5 percent of the assets under management of the hedge fund are owned by persons whose net worth, or joint net worth with the person's spouse, is less than $3,000,000, excluding the value of the primary residence of the person.

Mr. SPECTER. Mr. President, I urge the confirmation of Dr. Andrew von Eschenbach to be Commissioner of the Food and Drug Administration. Dr. Von Eschenbach is a native Philadelphian. He has had a very distinguished professional record. He has served as the director of the National Cancer Institute. He has made a commitment publicly to lead the way to conquer cancer by the year 2015. Frankly, that is not good enough for me. I think we ought to do it sooner.

In 1970, President Nixon declared war on cancer. Had we pursued that war with the same diligence we have pursued other wars, many people would not have died and many people would not have contracted cancer. Dr. Von Eschenbach has done an outstanding job in his professional career, and he would make an excellent Commissioner of the FDA.

I ask unanimous consent that my statement of his qualifications and background be printed in the RECORD.

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

STATEMENT OF SENATOR ARLEN SPECTER—NOMINATION OF DR. ANDREW VON ESCHENBACH COMMISSIONER OF THE FOOD AND DRUG ADMINISTRATION

Mr. SPECTER. Mr. President, I have sought recognition to speak in support of the nomination of Dr. Andrew von Eschenbach to be Commissioner of the Food and Drug Administration. Dr. von Eschenbach brings an extraordinary record to the FDA as he has accomplished a great deal.

I am pleased that the Senate invoked cloture on Dr. von Eschenbach's nomination, and that the Health, Education, Labor and Pensions committee unanimously supported the nomination of such an accomplished Pennsylvanian. A native of Philadelphia, Dr. von Eschenbach earned a B.S. from St. Joseph's University in Philadelphia in 1963, and his medical degree from Georgetown University School of Medicine in 1967. He completed residencies at Pennsylvania Hospital in general surgery and urology and taught urology at the University of Pennsylvania School of Medicine. He also served in the U.S. Navy Medical Corps with the rank of lieutenant commander from 1968 to 1971. Dr. von Eschenbach is a nationally recognized urologic surgeon and oncologist, and his distinguished career as a leader in the fight against cancer spans over three decades.

As Chairman of the Labor, Health and Human Services, and Education Appropriations subcommittee, I have worked with Dr. von Eschenbach in his capacity as director of the National Cancer Institute (NCI). When Dr. von Eschenbach was president-elect of the American Cancer Society, he was selected by President George W. Bush to head the NCI in December 2001. As director of the NCI, he announced in 2003 that his organization's goal was to ''eliminate suffering and death'' caused by cancer by the year 2015.

In 1970, the President of the United States, Richard Nixon, declared war on cancer and had that war been pursued with the same diligence and resources that we pursue other wars, I would not have gotten cancer, my former chief of staff, Carey Lackman would not have died of cancer, a good friend of mine, Paula Kline, wife of Tom Kline, my former law partner, and my good friend Federal Judge Edward Becker would not have died. It is something that we hear about every day. Dr. von Eschenbach, a cancer survivor himself, understands the need for better cancer treatments. During Dr. von Eschenbach's tenure as Director of the NCI, funding for the NCI for FY03 was $4.67 billion. Today, recommended Senate funding for the NCI is $4.8 billion, an increase of $13 million. However, it is concerning that the funding for the NCI in fiscal year 2006 was $50 million less than fiscal year 2005.

If Dr. von Eschenbach is confirmed, I look forward to working with him as Commissioner of the FDA. His expertise, experience, and commitment to public service will be of great services to our nation.

The PRESIDING OFFICER. The Senator from Nevada.

RICK SANTORUM

Mr. ENSIGN. Mr. President, I am going to take a couple minutes to talk about my great friend RICK SANTORUM. Election night; a lot of emotions going on; no question my heart was torn because my best friend in the Senate lost the election that night. I was saddened simply from a personal level, but I was also saddened for our country because I believe RICK SANTORUM has served this country so well. His integrity, his vision—so many things about this man have really been extraordinary.

I have gotten to know a lot of the people around him, his staff. It says a lot about him because of how many of them are sitting in this room today. The quality of the people he has around him says a tremendous amount about

him, as does the passion with which they served him and the passion with which he serves the country.

I also came to know Karen and his six kids. They are extraordinary people. RICK is a great leader of his home. Just seeing the love and respect that Karen has for RICK and that his children have for him as a father says a lot about him as an individual as well.

I am going to keep this short. This is completely from the heart. I can say with confidence that as a human being, there have been maybe as good human beings who have served in this Senate, but there have been no better. He is that quality of a human being. His faith leads him to that. I consider it a great privilege to have served with him and to call him a friend over these last 6 years. I know the friendship he and I share will be a lifetime friendship.

RICK, this body will miss you greatly, but no one in this body will miss you more than I.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Pennsylvania is recognized.

FAREWELL TO THE SENATE

Mr. SANTORUM. Mr. President, let me thank my great friend and colleague from Nevada for his very kind words. I thank him for coming to hear my last speech on the floor of the Senate. I know there are many listening who are applauding at this moment for that. But I come here with a wonderful spirit. I have written on the top of the page the same words that I wrote the night of the election, and that is the word ''gratitude'' because that is all I feel—an incredible sense of gratitude.

Mark Rodgers is my long-time friend and chief of staff, now head of the conference. We were talking again this morning about coming to work every day and walking up to the Capitol Building every day for 16 years now and still feeling that, wow, I work here—every day for 16 years. It was such a gift, such an incredible gift to be blessed to serve the people of the 18th District in the Congress, southwestern Pennsylvania, in Allegheny County, and for 12 incredible years to be able to serve the people of Pennsylvania here.

So first and foremost, I want to thank who is most responsible—and that is God—for this great gift he has bestowed upon me and my family—to be able the serve the greatest country in the history of the world and to serve in a body that is, and hopefully will be, the greatest deliberative body in the world. I think back to my dad, when he came to this country, and my mom, who is a second generation, and I think of how I grew up. It is amazing what a great country this is and how God has bestowed upon me and my family tremendous blessings. So I thank Him for the opportunity he has given me to serve. We are all called to serve. Some are frustrated because they don't think they are in a job or a position in life where they are doing what God has called them to do. God has blessed me with the opportunity to do this and to serve in a way that I hope he has called me to serve.

Second, I thank my family. Karen and the kids are watching. They have suffered a lot and have sacrificed a lot in 16 years. I was telling JOHN the other day that it is amazing how you think you are doing certain things well, and then you have the opportunity to spend a little more time doing those things and you realize how insufficiently you did them in the past. A phrase from the Bible is ringing in my ears, ''the scales falling off of the eyes.'' In the last month or so, I have had a lot of scales fall from my eyes—to see not just what the 2 years have been to my family, which have been a tough 2 or 3 years, but the accumulation of 16 years in what is a very difficult life. I know everybody here recognizes that because you live it. They know how difficult this life is, how public everything we do and say is or what we are accused of. We think we understand how difficult that is for our family, but I don't think we really do. I want to say thank you to Karen, who I picture in my mind with this T-shirt dress she wore and had stenciled on it ''Santorum for Congress.'' She went knocking on doors in 1990, when no one gave us a chance. We did the impossible. We were able to defeat a 14-year incumbent who no one thought could be beat. I would not have even come close to winning that election but for her.

In 1994, it was the same thing. She went out with the two children at home and she spent day after day—not traveling with, no; she was giving speeches in her own right and traveling all over the Commonwealth of Pennsylvania, sacrificing. They continued to do that day after day, year after year. I was a Senator, and I had important things to do.

I tell stories all the time about debates that were held on the floor of the Senate, when I would call Karen and say I had to come back to this very place and say more. There was never a hesitation. She served more than I did. My children—none of them have known their father without being in politics. I got married in 1990 to Karen, and Elizabeth came along 11 months later. Their life has been with their father in politics, in the public arena. They have had to deal with that in both pleasurable ways and some very painful ways. So I thank them for being without their dad far too often. Even when they are with their dad, I am not as attentive as I should have been. But I think they knew and they shared in the endeavor because they knew it was important for them and for our country.

So, hopefully, out of this experience they have been given a sense of purpose, and they know more about what life should be all about and that is to serve—serve God, serve your family, serve your community, and to serve your country. It is a great blessing. I thank them for the opportunity they have given me, through their sacrifice, to do that for the last 16 years.

I thank my mom and dad and Karen's mom and dad and all in our family who have been supportive every step of the way—sometimes wondering why I was doing this, sometimes unable to walk to the end of the driveway and pick up the paper for fear of what next was going to be said about their son-in-law or son. But they stood with us and fought with us and they comforted us. I thank them.

JOHN mentioned the people who are here in this room, my staff.

I ask unanimous consent to have printed a list of all of the folks who worked for us over the last 12 years in the Senate at the end of my remarks.

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

(See Exhibit 1.)

Mr. SANTORUM. Mr. President, I wish I could read all these names, but there are a lot of names. These are people who worked for me in my personal office in Washington and in my offices across the State and the people who worked here in Washington in my leadership office at the Senate Republican Conference. JOHN said it so well. These are incredible people. I have had the opportunity now in the last few days to sit and talk with each one of my staff members to find out what they are doing and to get any final thoughts they would have. One after another, I have been amazed at the dedication, intelligence, caring, and the commitment of service they had to the people of Pennsylvania, or to the causes I have attempted to do my best to fight for in the Senate. These are incredibly talented people whom I have been so blessed to be associated with and to work with.

I looked at the list of our legislative accomplishments and I can say, yes, I worked on that, but on the autism legislation, Jennifer Vesey wrote it, not me. She spent 16 months working with 15 offices. In fact, let me do something at this point.

COMBATING AUTISM ACT OF 2006

Mr. SANTORUM. Mr. President, I ask the Chair lay before the Senate a message form the House of Representatives on the bill (S. 843) to combat autism through research, screening, intervention and education.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

S. 843

Resolved, That the bill from the Senate (S. 843) entitled ''An Act to amend the Public Health Service Act to combat autism through research, screening, intervention and education'', 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 ''Combating Autism Act of 2006''.

SEC. 2. CENTERS OF EXCELLENCE; IMPROVING AUTISM-RELATED RESEARCH.

(a) CENTERS OF EXCELLENCE REGARDING RESEARCH ON AUTISM.—Section 409C of the Public Health Service Act (42 U.S.C.284g) is amended—

(1) in the section heading, by striking ''AUTISM'' and inserting ''AUTISM SPECTRUM DISORDER'';

(2) by striking the term ''autism'' each place such term appears (other than the section heading) and inserting ''autism spectrum disorder''; and

(3) in subsection (a)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by striking paragraph (1) and inserting the following:

''(1) EXPANSION OF ACTIVITIES.—The Director of NIH (in this section referred to as the 'Director') shall, subject to the availability of appropriations, expand, intensify, and coordinate the activities of the National Institutes of Health with respect to research on autism spectrum disorder, including basic and clinical research in fields including pathology, developmental neurobiology, genetics, epigenetics, pharmacology, nutrition, immunology, neuroimmunology, neurobehavioral development, endocrinology, gastroenterology, and toxicology. Such research shall investigate the cause (including possible environmental causes), diagnosis or rule out, early detection, prevention, services, supports, intervention, and treatment of autism spectrum disorder.

''(2) CONSOLIDATION.—The Director may consolidate program activities under this section if such consolidation would improve program efficiencies and outcomes.''.

(b) CENTERS OF EXCELLENCE GENERALLY.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

''SEC. 404H. REVIEW OF CENTERS OF EXCELLENCE.

''(a) IN GENERAL.—Not later than April 1, 2008, and periodically thereafter, the Secretary, acting through the Director of NIH, shall conduct a review and submit a report to the appropriate committees of the Congress on the centers of excellence.

''(b) REPORT CONTENTS.—Each report under subsection (a) shall include the following:

''(1) Evaluation of the performance and research outcomes of each center of excellence.

''(2) Recommendations for promoting coordination of information among centers of excellence.

''(3) Recommendations for improving the effectiveness, efficiency, and outcomes of the centers of excellence.

''(c) DEFINITION.—In this section, the term 'center of excellence' means an entity receiving funding under this title in its capacity as a center of excellence.''.

SEC. 3. DEVELOPMENTAL DISABILITIES SURVEILLANCE AND RESEARCH PROGRAM.

(a) IN GENERAL.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

''PART R—PROGRAMS RELATING TO AUTISM

''SEC. 399AA. DEVELOPMENTAL DISABILITIES SURVEILLANCE AND RESEARCH PROGRAM.

''(a) AUTISM SPECTRUM DISORDER AND OTHER DEVELOPMENTAL DISABILITIES.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants or cooperative agreements to eligible entities for the collection, analysis, and reporting of State epidemiological data on autism spectrum disorder and other developmental disabilities. An eligible entity shall assist with the development and coordination of State autism spectrum disorder and other developmental disability surveillance efforts within a region. In making such awards, the Secretary may provide direct technical assistance in lieu of cash.

''(2) DATA STANDARDS.—In submitting epidemiological data to the Secretary pursuant to paragraph (1), an eligible entity shall report data according to guidelines prescribed by the Director of the Centers for Disease Control and Prevention, after consultation with relevant State and local public health officials, private sector developmental disability researchers, and advocates for individuals with autism spectrum disorder or other developmental disabilities.

''(3) ELIGIBILITY.—To be eligible to receive an award under paragraph (1), an entity shall be a public or nonprofit private entity (including a health department of a State or a political subdivision of a State, a university, or any other educational institution), and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(b) CENTERS OF EXCELLENCE IN AUTISM SPECTRUM DISORDER EPIDEMIOLOGY.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall, subject to the availability of appropriations, award grants or cooperative agreements for the establishment of regional centers of excellence in autism spectrum disorder and other developmental disabilities epidemiology for the purpose of collecting and analyzing information on the number, incidence, correlates, and causes of autism spectrum disorder and other developmental disabilities.

''(2) REQUIREMENTS.—To be eligible to receive a grant or cooperative agreement under paragraph (1), an entity shall submit to the Secretary an application containing such agreements and information as the Secretary may require, including an agreement that the center to be established under the grant or cooperative agreement shall operate in accordance with the following:

''(A) The center will collect, analyze, and report autism spectrum disorder and other developmental disability data according to guidelines prescribed by the Director of the Centers for Disease Control and Prevention, after consultation with relevant State and local public health officials, private sector developmental disability researchers, and advocates for individuals with developmental disabilities.

''(B) The center will develop or extend an area of special research expertise (including genetics, epigenetics, and epidemiological research related to environmental exposures), immunology, and other relevant research specialty areas.

''(C) The center will identify eligible cases and controls through its surveillance system and conduct research into factors which may cause or increase the risk of autism spectrum disorder and other developmental disabilities.

''(c) FEDERAL RESPONSE.—The Secretary shall coordinate the Federal response to requests for assistance from State health, mental health, and education department officials regarding potential or alleged autism spectrum disorder or developmental disability clusters.

''(d) DEFINITIONS.—In this part:

''(1) OTHER DEVELOPMENTAL DISABILITIES.—The term 'other developmental disabilities' has the meaning given the term 'developmental disability' in section 102(8) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002(8)).

''(2) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands.

''(e) SUNSET.—This section shall not apply after September 30, 2011.

''SEC. 399BB. AUTISM EDUCATION, EARLY DETECTION, AND INTERVENTION.

''(a) PURPOSE.—It is the purpose of this section—

''(1) to increase awareness, reduce barriers to screening and diagnosis, promote evidence-based interventions for individuals with autism spectrum disorder or other developmental disabilities, and train professionals to utilize valid and reliable screening tools to diagnose or rule out and provide evidence-based interventions for children with autism spectrum disorder and other developmental disabilities; and

''(2) to conduct activities under this section with a focus on an interdisciplinary approach (as defined in programs developed under section 501(a)(2) of the Social Security Act) that will also focus on specific issues for children who are not receiving an early diagnosis and subsequent interventions.

''(b) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, establish and evaluate activities to—

''(1) provide information and education on autism spectrum disorder and other developmental disabilities to increase public awareness of developmental milestones;

''(2) promote research into the development and validation of reliable screening tools for autism spectrum disorder and other developmental disabilities and disseminate information regarding those screening tools;

''(3) promote early screening of individuals at higher risk for autism spectrum disorder and other developmental disabilities as early as practicable, given evidence-based screening techniques and interventions;

''(4) increase the number of individuals who are able to confirm or rule out a diagnosis of autism spectrum disorder and other developmental disabilities;

''(5) increase the number of individuals able to provide evidence-based interventions for individuals diagnosed with autism spectrum disorder or other developmental disabilities; and

''(6) promote the use of evidence-based interventions for individuals at higher risk for autism spectrum disorder and other developmental disabilities as early as practicable.

''(c) INFORMATION AND EDUCATION.—

''(1) IN GENERAL.—In carrying out subsection (b)(1), the Secretary, in collaboration with the Secretary of Education and the Secretary of Agriculture, shall, subject to the availability of appropriations, provide culturally competent information regarding autism spectrum disorder and other developmental disabilities, risk factors, characteristics, identification, diagnosis or rule out, and evidence-based interventions to meet the needs of individuals with autism spectrum disorder or other developmental disabilities and their families through—

''(A) Federal programs, including—

''(i) the Head Start program;

''(ii) the Early Start program;

''(iii) the Healthy Start program;

''(iv) programs under the Child Care and Development Block Grant Act of 1990;

''(v) programs under title XIX of the Social Security Act (particularly the Medicaid Early and Periodic Screening, Diagnosis and Treatment Program);

''(vi) the program under title XXI of the Social Security Act (the State Children's Health Insurance Program);

''(vii) the program under title V of the Social Security Act (the Maternal and Child Health Block Grant Program);

''(viii) the program under parts B and C of the Individuals with Disabilities Education Act;

''(ix) the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); and

''(x) the State grant program under the Rehabilitation Act of 1973.

''(B) State licensed child care facilities; and

''(C) other community-based organizations or points of entry for individuals with autism spectrum disorder and other developmental disabilities to receive services.

''(2) LEAD AGENCY.—

''(A) DESIGNATION.—As a condition on the provision of assistance or the conduct of activities under this section with respect to a State,

the Secretary may require the Governor of the State—

''(i) to designate a public agency as a lead agency to coordinate the activities provided for under paragraph (1) in the State at the State level; and

''(ii) acting through such lead agency, to make available to individuals and their family members, guardians, advocates, or authorized representatives; providers; and other appropriate individuals in the State, comprehensive culturally competent information about State and local resources regarding autism spectrum disorder and other developmental disabilities, risk factors, characteristics, identification, diagnosis or rule out, available services and supports, and evidence-based interventions.

''(B) REQUIREMENTS OF AGENCY.—In designating the lead agency under subparagraph (A)(i), the Governor shall—

''(i) select an agency that has demonstrated experience and expertise in—

''(I) autism spectrum disorder and other developmental disability issues; and

''(II) developing, implementing, conducting, and administering programs and delivering education, information, and referral services (including technology-based curriculum-development services) to individuals with developmental disabilities and their family members, guardians, advocates or authorized representatives, providers, and other appropriate individuals locally and across the State; and

''(ii) consider input from individuals with developmental disabilities and their family members, guardians, advocates or authorized representatives, providers, and other appropriate individuals.

''(C) INFORMATION.—Information under subparagraph (A)(ii) shall be provided through—

''(i) toll-free telephone numbers;

''(ii) Internet websites;

''(iii) mailings; or

''(iv) such other means as the Governor may require.

''(d) TOOLS.—

''(1) IN GENERAL.—To promote the use of valid and reliable screening tools for autism spectrum disorder and other developmental disabilities, the Secretary shall develop a curriculum for continuing education to assist individuals in recognizing the need for valid and reliable screening tools and the use of such tools.

''(2) COLLECTION, STORAGE, COORDINATION, AND AVAILABILITY.—The Secretary, in collaboration with the Secretary of Education, shall provide for the collection, storage, coordination, and public availability of tools described in paragraph (1), educational materials and other products that are used by the Federal programs referred to in subsection (c)(1)(A), as well as—

''(A) programs authorized under the Developmental Disabilities Assistance and Bill of Rights Act of 2000;

''(B) early intervention programs or interagency coordinating councils authorized under part C of the Individuals with Disabilities Education Act; and

''(C) children with special health care needs programs authorized under title V of the Social Security Act.

''(3) REQUIRED SHARING.—In establishing mechanisms and entities under this subsection, the Secretary, and the Secretary of Education, shall ensure the sharing of tools, materials, and products developed under this subsection among entities receiving funding under this section.

''(e) DIAGNOSIS.—

''(1) TRAINING.—The Secretary, in coordination with activities conducted under title V of the Social Security Act, shall, subject to the availability of appropriations, expand existing interdisciplinary training opportunities or opportunities to increase the number of sites able to diagnose or rule out individuals with autism spectrum disorder or other developmental disabilities and ensure that—

''(A) competitive grants or cooperative agreements are awarded to public or nonprofit agencies, including institutions of higher education, to expand existing or develop new maternal and child health interdisciplinary leadership education in neurodevelopmental and related disabilities programs (similar to the programs developed under section 501(a)(2) of the Social Security Act) in States that do not have such a program;

''(B) trainees under such training programs—

''(i) receive an appropriate balance of academic, clinical, and community opportunities;

''(ii) are culturally competent;

''(iii) are ethnically diverse;

''(iv) demonstrate a capacity to evaluate, diagnose or rule out, develop, and provide evidence-based interventions to individuals with autism spectrum disorder and other developmental disabilities; and

''(v) demonstrate an ability to use a family-centered approach; and

''(C) program sites provide culturally competent services.

''(2) TECHNICAL ASSISTANCE.—The Secretary may award one or more grants under this section to provide technical assistance to the network of interdisciplinary training programs.

''(3) BEST PRACTICES.—The Secretary shall promote research into additional valid and reliable tools for shortening the time required to confirm or rule out a diagnosis of autism spectrum disorder or other developmental disabilities and detecting individuals with autism spectrum disorder or other developmental disabilities at an earlier age.

''(f) INTERVENTION.—The Secretary shall promote research, through grants or contracts, to determine the evidence-based practices for interventions for individuals with autism spectrum disorder or other developmental disabilities, develop guidelines for those interventions, and disseminate information related to such research and guidelines.

''(g) SUNSET.—This section shall not apply after September 30, 2011.

"SEC. 399CC. INTERAGENCY AUTISM COORDINATING COMMITTEE.

''(a) ESTABLISHMENT.—The Secretary shall establish a committee, to be known as the 'Interagency Autism Coordinating Committee' (in this section referred to as the 'Committee'), to coordinate all efforts within the Department of Health and Human Services concerning autism spectrum disorder.

''(b) RESPONSIBILITIES.—In carrying out its duties under this section, the Committee shall—

''(1) develop and annually update a summary of advances in autism spectrum disorder research related to causes, prevention, treatment, early screening, diagnosis or rule out, intervention, and access to services and supports for individuals with autism spectrum disorder;

''(2) monitor Federal activities with respect to autism spectrum disorder;

''(3) make recommendations to the Secretary regarding any appropriate changes to such activities, including recommendations to the Director of NIH with respect to the strategic plan developed under paragraph (5);

''(4) make recommendations to the Secretary regarding public participation in decisions relating to autism spectrum disorder;

''(5) develop and annually update a strategic plan for the conduct of, and support for, autism spectrum disorder research, including proposed budgetary requirements; and

''(6) submit to the Congress such strategic plan and any updates to such plan.

''(c) MEMBERSHIP.—

''(1) IN GENERAL.—The Committee shall be composed of—

''(A) the Director of the Centers for Disease Control and Prevention;

''(B) the Director of the National Institutes of Health, and the Directors of such national research institutes of the National Institutes of Health as the Secretary determines appropriate;

''(C) the heads of such other agencies as the Secretary determines appropriate;

''(D) representatives of other Federal Governmental agencies that serve individuals with autism spectrum disorder such as the Department of Education; and

''(E) the additional members appointed under paragraph (2).

''(2) ADDITIONAL MEMBERS.—Not fewer than 6 members of the Committee, or 1/3 of the total membership of the Committee, whichever is greater, shall be composed of non-Federal public members to be appointed by the Secretary, of which—

''(A) at least one such member shall be an individual with a diagnosis of autism spectrum disorder;

''(B) at least one such member shall be a parent or legal guardian of an individual with an autism spectrum disorder; and

''(C) at least one such member shall be a representative of leading research, advocacy, and service organizations for individuals with autism spectrum disorder.

''(d) ADMINISTRATIVE SUPPORT; TERMS OF SERVICE; OTHER PROVISIONS.—The following provisions shall apply with respect to the Committee:

''(1) The Committee shall receive necessary and appropriate administrative support from the Secretary.

''(2) Members of the Committee appointed under subsection (c)(2) shall serve for a term of 4 years, and may be reappointed for one or more additional 4 year term. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office.

''(3) The Committee shall meet at the call of the chairperson or upon the request of the Secretary. The Committee shall meet not fewer than 2 times each year.

''(4) All meetings of the Committee shall be public and shall include appropriate time periods for questions and presentations by the public.

''(e) SUBCOMMITTEES; ESTABLISHMENT AND MEMBERSHIP.—In carrying out its functions, the Committee may establish subcommittees and convene workshops and conferences. Such subcommittees shall be composed of Committee members and may hold such meetings as are necessary to enable the subcommittees to carry out their duties.

''(f) SUNSET.—This section shall not apply after September 30, 2011, and the Committee shall be terminated on such date.

"SEC. 399DD. REPORT TO CONGRESS.

''(a) IN GENERAL.—Not later than 4 years after the date of enactment of the Combating Autism Act of 2006, the Secretary, in coordination with the Secretary of Education, shall prepare and submit to the Health, Education, Labor, and Pensions Committee of the Senate and the Energy and Commerce Committee of the House of Representatives a progress report on activities related to autism spectrum disorder and other developmental disabilities.

''(b) CONTENTS.—The report submitted under subsection (a) shall contain—

''(1) a description of the progress made in implementing the provisions of the Combating Autism Act of 2006;

''(2) a description of the amounts expended on the implementation of the particular provisions of Combating Autism Act of 2006;

''(3) information on the incidence of autism spectrum disorder and trend data of such incidence since the date of enactment of the Combating Autism Act of 2006;

''(4) information on the average age of diagnosis for children with autism spectrum disorder and other disabilities, including how that age may have changed over the 4-year period beginning on the date of enactment of this Act;

''(5) information on the average age for intervention for individuals diagnosed with autism spectrum disorder and other developmental disabilities, including how that age may have

changed over the 4-year period beginning on the date of enactment of this Act;

''(6) information on the average time between initial screening and then diagnosis or rule out for individuals with autism spectrum disorder or other developmental disabilities, as well as information on the average time between diagnosis and evidence-based intervention for individuals with autism spectrum disorder or other developmental disabilities;

''(7) information on the effectiveness and outcomes of interventions for individuals diagnosed with autism spectrum disorder, including by various subtypes, and other developmental disabilities and how the age of the child may affect such effectiveness;

''(8) information on the effectiveness and outcomes of innovative and newly developed intervention strategies for individuals with autism spectrum disorder or other developmental disabilities; and

''(9) information on services and supports provided to individuals with autism spectrum disorder and other developmental disabilities who have reached the age of majority (as defined for purposes of section 615(m) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(m)).''.

(b) REPEALS.—The following sections of the Children's Health Act of 2000 (Public Law 106–310) are repealed:

(1) Section 102 (42 U.S.C. 247b–4b), relating to the Developmental Disabilities Surveillance and Research Program.

(2) Section 103 (42 U.S.C. 247b–4c), relating to information and education.

(3) Section 104 (42 U.S.C. 247b–4d), relating to the Inter-Agency Autism Coordinating Committee.

(4) Section 105 (42 U.S.C. 247b–4e), relating to reports.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Part R of title III of the Public Health Service Act, as added by section 3, is amended by adding at the end the following:

''SEC. 399EE. AUTHORIZATION OF APPROPRIATIONS.

''(a) DEVELOPMENTAL DISABILITIES SURVEILLANCE AND RESEARCH PROGRAM.—To carry out section 399AA, there are authorized to be appropriated the following:

''(1) For fiscal year 2007, $15,000,000.

''(2) For fiscal year 2008, $16,500,000.

''(3) For fiscal year 2009, $18,000,000.

''(4) or fiscal year 2010, $19,500,000.

''(5) For fiscal year 2011, $21,000,000.

''(b) AUTISM EDUCATION, EARLY DETECTION, AND INTERVENTION.—To carry out section 399BB, there are authorized to be appropriated the following:

''(1) For fiscal year 2007, $32,000,000.

''(2) For fiscal year 2008, $37,000,000.

''(3) For fiscal year 2009, $42,000,000.

''(4) For fiscal year 2010, $47,000,000.

''(5) For fiscal year 2011, $52,000,000.

''(c) INTERAGENCY AUTISM COORDINATING COMMITTEE; CERTAIN OTHER PROGRAMS.—To carry out section 399CC, 409C, and section 404H, there are authorized to be appropriated the following:

''(1) For fiscal year 2007, $100,000,000.

''(2) For fiscal year 2008, $114,500,000.

''(3) For fiscal year 2009, $129,000,000.

''(4) For fiscal year 2010, $143,500,000.

''(5) For fiscal year 2011, $158,000,000.''.

(b) CONFORMING AMENDMENT.—Section 409C of the Public Health Service Act (42 U.S.C. 284g) is amended by striking subsection (e) (relating to funding).

Mr. SANTORUM. 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.

Mr. SANTORUM. Mr. President, we just passed the combating autism bill that we have been working on for 16 months. I thank Senator DODD for his tremendous work on that. I thank all of the autism groups. I thank Jennifer Vesey for the tremendous work she did and the hours and hours and patience it takes to put together complex and important pieces of legislation.

Later today, or tomorrow, we are going to pass the abandoned mine lands bill. I would love to say that was RICK SANTORUM, but it was Ashley Horning; it wasn't RICK SANTORUM. She did all the work. I pretty much knew what was in there, and I would negotiate the parts in disagreement. That is what we all do. But on 90 percent of the bills that most of us know about, we didn't hammer out the details; it was done by folks who have the commitment and vision and effort and work the long hours to make the legislation possible. It is important that in Pennsylvania now we will get a billion dollars to clean up abandoned mines—it is a tremendous contribution to the environment—or miners will have health care coverage paid because, in part, I had a terrific staff person. I can go down through issue after issue and look at these accomplishments that would be great to stand up and say that I did, but I had a tremendous amount of help. I had incredibly talented, gifted people who worked incredible hours.

What most people across America don't realize is how hard our people around here work. They don't do it for the money. They don't do it because they have some agenda to accomplish. They do it because they want to improve America, make America a better place. They want to leave this place better than how they found it. They want to serve because they love this country and they believe in what will make this country better. They work long hours. They don't get paid as much as they could make if they wandered off the Hill. I will put my folks, both in Washington and across the State, up against anybody. They are sitting in the gallery and here along the railing. They have given their all and I thank them. They served the people of Pennsylvania. Looking at Kevin Roy over there, I think of all of the earmarks—that is a dirty word—that we were able to get to help the people in Pennsylvania in so many ways. I look at work we did for the nonprofit community and welfare and families, and Melanie Looney and her team worked on that.

It has been an incredible group. Our Senate conference, the message folks—it was awfully hard. Republicans are not good on the old message issue. We don't follow our talking points very well. We try. We try. We have a lot of independent thinkers on our side. God bless them. They always have a better way of saying things than what we suggest or actually not even saying things, thinking things than what we suggest. That is the beauty of our party. We have a lot of diversity within our party.

We have some very talented people who work very hard, not just a dry message to spin, but to try to move the debate, try to get our causes articulated in a way that is communicated effectively to people across America. They worked hard. They built coalitions. They did their best, and I thank them for their effort and the tremendous service they have given our conference.

I thank the folks in my district offices. Most of those folks have been with me 16 years. We don't have a lot of turnover in our office. A lot of folks in Pittsburgh have been with me 16 and others around the State have been with me 12 years. They are dedicated people who go out and do those security checks and veterans benefits and medals.

I will always remember one story that happened this last year. There was a man, a World War II vet named Patrick. I was at a ribbon-cutting for a VA facility in Oakland in Pittsburgh. While I was there, we arranged a little medal presentation to a veteran who had sought a medal and was never given that medal. That is all I knew about it. I showed up. There was this older gentleman sitting in the front row. His name was Patrick.

Patrick was a World War II veteran who served in Patton's army and was sent on a secret mission to try to liberate a POW camp. In that mission, he was captured. He was imprisoned for several months, I believe, in a German POW camp. When he got out of the Army, he requested a POW medal, but the paperwork didn't show he had been captured. It was a secret mission, and it never appeared on his military record.

For 60 years, Patrick fought to get his designation as a POW. He never married. In fact, later in his life after he retired from work, he became somewhat of a recluse because he was kidded by some of his buddies about being a POW. It affected him dramatically, so much so that one of his friends and relatives contacted us to say: Is there anything you can do? Could it possibly be true?

Ann Blocksidge in my office in Pittsburgh, wizard that she is with these issues that she has been working on now for 16 years, knew the places to call and put the records together. We found out, yes, he was, and that was in one place in one record and not in the same place as the other record, and A didn't talk to B. So we were able to get him his POW medal.

I remember pinning it on him. This older man walked to the microphone. He said: There is one thing I want to say. He said: I finally feel welcomed home.

It is a great story, but the folks in my office and offices all over this Capitol do this every day because they care, because the people call with impossible things, and our folks do impossible things to help them.

I thank all of them for all the service they have done, for doing what I ask them to do when they come into the office: Treat every caller as if it is your grandmother calling. If you treat every caller as if it is your grandmother—hopefully they get along with their grandmother—then things will be fine.

I thank my colleagues. This place gets a lot of ridicule. It is very easy to criticize people in the fishbowl. It is very easy to take shots at people for not living up to expectations, and certainly we all do not live up to expectations. But I think I can say without any reservation that the men and women in this body are good and decent people who are doing what they believe is best for this country.

I know many people find that hard to believe because they look at people and they have beliefs so diametrically opposed to people in this Chamber. I certainly have views—and have demonstrated that on many occasions on the floor of the Senate—that are diametrically opposed to many people in this Chamber. But in my heart, I never questioned the integrity and the sincerity of the people who articulated their opinions, that they were not sincere. I believed them to be sincere and I believed them to believe that it was in the best interest of the country. That is what is supposed to happen here. Ideas are to be debated, points of view are to be discussed, and the prevailing thought of the day will move the country in that direction.

There are very good people here. I tell the people of America: There are very good people here. There are people here on both sides of the aisle who pray every single day for God's guidance. There are people here today who, while we fight and argue, do so out of a passion for doing what is right.

I thank my colleagues for the courtesies they have shown me, and particularly my Republican colleagues for the honor they have given me to serve in the leadership for 6 years. I know that was not an easy decision back in 2001 to elect someone who had a reputation of being somewhat of a bomb thrower in the House and in my early Senate days to a position of leadership in the Senate. They took a risk. I hope they feel it has paid off.

It has certainly been a great blessing to me to have been able to serve my colleagues in the capacity of conference chairman.

It is an incredible group of people. I think of John, who is my tennis partner. We played our first match after I was defeated, and he beat me 6-love, 6–1. He thinks it is because he played better, but I am just preparing for other employment.

We have prayer groups here. One of the most important things in my life over the past 12 years has been the Senate prayer group, the Senate Bible study, and the prayer breakfasts, the small prayer group with which I have been involved. I don't know how people do it. I don't know how people do this business without prayer, without an understanding that there is something bigger than us here, something that will help us, guide us, lift us up at times when there seems to be no other reason to be lifted up.

I thank all of those who prayed with me and prayed for me. Lloyd Ogilvie, a chaplain here for many years, and Barry Black, our Chaplain now—they are prayer warriors for all of us. I know they pray for us every day. I know Lloyd still prays for us every day, and I know millions of Americans pray for us every day. I thank all of them for helping me through and helping us and helping our country through these difficult times.

I thank our leader, BILL FRIST, my first leader I served under as a member of the leadership, TRENT LOTT, and the leader I served under when I came to the Senate, BOB DOLE. Each and every one of them in their own way led differently. But in the case of Senator DOLE, he was a larger-than-life figure to me, coming over to the Senate as a 36-year-old Senator. He was on his way to run for the Presidency. He took the time to be concerned about the issues that were important to me. He put me on the committees I needed to be on and gave me the opportunity that I will never forget and certainly will always be thankful for—to manage and work on the welfare reform bill back in 1996.

Of all the things I accomplished in the Senate, there is nothing I am more proud of than what we did in 1996 to reform the welfare system and transition it so millions and millions would fall off the rolls, find gainful employment, and change their lives and the lives of their families. I owe that to BOB DOLE. He gave me the opportunity to stand at that manager's chair for months in my second year in the Senate and taking on what I would argue was the most important piece of legislation in that session of the Congress, the Republican revolution.

I thank TRENT LOTT not only for his tutelage and mentoring me in the time I have been here as a leader, but for helping me in gaining leadership and being involved in the leadership in the Senate.

I thank BILL FRIST for his friendship. His coming in as a leader when I was already in the leadership was a little different. He didn't come in and point the finger and boss around, but he came in to learn. He came in to engage, to try to take the knowledge that was in the leadership group and use it to build a stronger group. I appreciate that.

There is a humility in BILL FRIST. It is a very attractive quality and, I might also add, a rather rare quality if one is in the Senate, but a very attractive one and a very important one in Senators and leaders.

I thank, I guess finally, the people of Pennsylvania. I was talking to Jim Towey. Jim is the new president of Saint Vincent College in Latrobe, PA. Jim is the former director of the faith-based office for the President. I called him the other day. He said: You know, Rick, I have been here—I think he said 6 months. He said: I really like the State, like the area, good people. But the more I study the State and the more I get the feel of Pennsylvania, I have one question: It is not how did you lose the election, but how did you get elected here twice?

I got elected twice because I had a lot of wonderful people who campaigned hard, worked hard, and believed in me and were able to maybe see past some of the differences with me to give me an opportunity to serve here, and I am eternally grateful.

It is an incredible State. It is one I got to know very well and, obviously, got to know thousands of people. I had the opportunity to serve them. I had the opportunity to be scolded by them, reprimanded by them. But I always understood they were my employers. I work for them. And when you work for somebody, sometimes they are going to tell you they don't like the job you are doing. And you better act like someone who is an employee instead of an employer or you are not going to find yourself as an employee very much longer. Well, I tried to act like an employee. But that doesn't mean I always had to agree with my employer, and a lot of times I didn't. And maybe I spoke up too often too loudly and too boldly on some of the things that my employer didn't agree with. I hope they respect the fact that it was a heartfelt disagreement and that I did what I did and I said what I said because I believed it was in their best interests, even though they may not have thought so.

I respect the fact that I didn't win this election and that the people of Pennsylvania made a different decision. I had an opportunity to meet with my successor today in my office and get a chance to talk with him about some of the ins and outs of the Senate. He is a good man, and he will do a good job. I hope the people of Pennsylvania will give him and extend to him the same courtesies and trust and cooperation that so many Pennsylvanians who didn't agree with me on a lot of things but knew that it was important to work together—such as our Governor, Ed Rendell, whom I worked with as mayor and as Governor, as well as I did with any Republican that I know—I hope that Republican officeholders in Pennsylvania treat my opponent with the same kind of respect and the same kind of cooperation that Governor Rendell and I have had over the years.

That brings me to my colleague, Senator SPECTER. It was very kind of ARLEN to come and say a few words. He said that we are not only colleagues in the Senate and, obviously, colleagues from Pennsylvania, but we are friends. I have to tell my colleagues, when I first came to the Senate, I thought it was a very long shot that I would be friends with ARLEN SPECTER. All I had

heard about ARLEN SPECTER was how prickly a character he is, how difficult he is, sort of cold and tough. But he is a pretty soft guy. He really is. He gets those granddaughters around him and he just melts. No, he is a good man. I don't agree with ARLEN a lot, and of course everybody knows that, but ARLEN has been a good partner. We have worked on a lot of things together. And even when we disagreed, we understood and respected the disagreement and didn't let it affect us, or certainly our relationship, or if it was important enough to us and important enough to the State and important enough to the country, we worked hard to try to bridge those differences. I think that is a good model. I recommend it to my successor. I recommend it to all my colleagues.

This place doesn't have to be as personally confrontational as it is. I say that as someone who was pretty personally combative when I first came here. I know that I have had some pretty strident debates on the floor of the Senate, but I will tell my colleagues that in my heart, it was never personal, it was always about what the issue was about. And it is hard for a lot of people in America who look at it in a culture that takes everything personally—people have asked me why I have been so comfortable and at ease with what has happened, and it is because I don't take it personally. People disagree with where I wanted to take this country, and that is fine. They will have an opportunity to take it someplace else, for now.

But I don't take it personally. I look at the empty desks of my colleagues on the other side of the aisle, and I look at each and every one and I can see them all sitting there, and I can't think of one that I would take a disagreement with personally—and I have had disagreements with virtually every one but all of them have disagreed, hopefully without being personally disagreeable. That is how this place works. It is the only way it can work and be successful for America.

In closing, I want to say that I always come back to the word ''gratitude.'' To God, to my family, to my colleagues, to the wonderful people who have worked for me and with me over the years, to the people of the 18th Congressional District, to the people of Pennsylvania: Thank you. Thank you. I don't know what I will be doing next, but I cannot imagine that anything I do in the future will rival the kind of blessings I have felt from all of the folks whom I have mentioned. The relationships and the wonderful accomplishments and the great spirit I have experienced over these last 16 years is something that I am eternally grateful for to all of those involved. It has been a great blessing.

I thank my colleagues, I thank those who came and listened, those who might be listening in other ways, but I thank them, personally, for the great kindness they have shown me. I leave a very happy and contented former Senator from Pennsylvania who feels very blessed.

EXHIBIT 1

SENATE PERSONAL OFFICE EMPLOYEES

Aho, Robert W; Anderson, Thomas S; Armata, Andrew M T; Baldwin, Todd A; Barbera, Vincent M; Barron, Bruce A; Bashore, Keith E; Beresnyak, Allison M; Beresnyak, Thomas E Jr.; Bernier, George M III; Bernstein, Luke M; Berry, Donna A; Bertuola, Lawrence J; Beynon, Matthew E; Bickhart, Robert G; Blocksidge, Anne M; Bonesso, Rozzanna J; Bowman, Patricia Dianne; Bowser, Julia E; Boyd, Allison J.

Bozzuto, Robert F; Bragg, Heather N; Broughton, Aaron Michael; Brown, Brian T; Burkhalter, Colin J; Butler, Timothy R; Caldwell, Stanley D; Calka, Courtney JO; Carlson, Michael R; Carter, Andrew C; Castillo, Michael J; Chapman, Elizabeth R; Christman, David R; Clater, Michael D; Cognato, Christopher; Cognato, Michael H; Coleman, Samuel E; Collins, Leah R; Conklin, Jennifer M; Coppolo, Stephen D.

Corman, Jacob D III; Coulter, Kathryn A; Covel, Michelle F; Crane, Rebecca H; Curry, Margaret K; Daniel, Kelly L; Davidek, Jason E; Davis, Mary Elizabeth A; Davis, Virginia L; Dermody, Brandon D; Devito, William J; Dick, John T; Diehl, Samuel W; Dougherty, Kara A; Doyle, Lyda A; Dutkowski, Margaret C; Ely, Ramona J; Ensslin, Mary T; Evans, Andrea L; Faulk, Page C.

Faustino, Mary A; Feenstra, Paul A; Feller, Meredith L; Fergusen, Sarah E; Ferrara, Lorenzo L; Finney, Thomas S; Fischer, Karen E; Fratto, Salvatore A; French, David G; French, John M III; Galko, Vincent A; Garver, Nancy L; Gaston, Shivellia T; Gemma, Peter B Jr.; Genesio, Christine J; Gerry, Keith M; Gorman, Victoria Lynn; Greco, Michael P; Greene, Charles M; Gresov, Winston G.

Gutierrez, Jennifer C; Haberkern, Jeffery J; Hall, David M; Harbula, David Scott; Harvey, Marcus W; Hershey, Jill E; Hershey, Michael S; Hoadley, Cassandra; Holcombe, Sara K; Hornbake, Lawrence E; Horne, Wesley O; Horning, Ashley E; Howard, Jaime L; Hybels, Amy R; Irvine, Walter G Jr.; Irwin, Christine E; Ivanov, Florina D; Johnson, Thomas O II; Kauffman, Alexander J; Kelly, Caitlin B.

Kennedy, Brian D; Kinsman, Chelsea M; Kitchen, Michelle L; Kocan, Sheila T; Koutsiouroumbas, Athan; Kuklis, Joseph V; Laager, Maryanne R; Ladd, Abigail A; Larcinese, Mary E; Laurenson, Craig A; Lebaudy, Laura A; Leidner, Kristina S; Leinbach, Christian Y; Lewandowski, Leslie L; Lindenberer, Stephanie Ann; Lofton, Marian Victoria; Looney, Melanie L; Lyle, Stephen T; Lynch, Stephanie F; Maclean, Heather Marie.

Maddox, Audrey C; Maguire, Erin K; Mahon, Emmet M; Maines, Laura A; Martin, David; Martin, John E Jr.; Mattei, Thomas J Jr.; Matthews, Shawnna Lee; Mcclard, Melissa J; Mccoy, Ida M; Mccracken, David E; Mccree, Michael R; Mcdonald, Robin V; Mcelwee, George S; Mcginley, Christopher P; Mckeon, Meredith; Mcnamara, Kevin M; Medina, Wanda I; Meyer, Christine M; Mihalke, Michael H.

Miller, Eric R; Miller, Jennifer L; Miller, Manda B; Miller, Nicole M; Miller, William A; Mitchell, Anna K; Mitchell, Marcus P; Mizer, Erica L; Molineaux, Peter J; Moore, Thomas; Moore, Zachery P; Morinigo, Nicholas; Morton, Bylly Jo; Mullen, James G; Narcavage, Michael III; Navin, Lawrence M; Ohara, Gerald J; Oshea, Joseph J; Pallotto, Adam R; Palmer, Wayne D.

Park, Victoria P; Parrick-Cox, Susan; Patel, Kajal A; Pavlik, Bonnie M; Peacock, Deborah A; Pearson, Tim; Perez, Janet M; Petraglia, Amy W; Poteet, Paul W; Preate, Alexandra V; Pugh, Jennifer S; Quinn, Christine Marie; Rajsic, Michelle; Ramos, Josephina; Reilly, Sean M; Reyes, Jeremy; Rhodes, Allison L; Riegel, Ellen J; Rockwell, Russel A; Rode, Katherine R.

Rodgers, Lincoln R C; Roman, Lisa M; Romaniello, Catherine M; Roscoe, Abigail; Rossi, Connie J; Rossman, Eleanor T; Roy, Kevin F; Ryan, Maureen; Sailhamer, Brent A; Salvesen, Erling R III; Sanborn, Alden R; Sanders, Joseph E Jr.; Sarmir, Danielle; Scanlan, Tricia L; Scaringi, M Anthony; Schmidt, Keith A; Schmidt, Michele E; Sears, William P; Sechler, Michael W; Shaner, Mathias R.

Sharp, Crystal N; Sharp, Trudy R; Shelby, Melissa B; Sheriff, Marie A; Shirk, Jamie E; Shott, Christine M; Simodejka, Jill L; Sinha, Sushant K; Smith, Brian A; Smith, Jacob W; Solfanelli, Matthew; Soroka, Suzanne M; Sosar, Edward D; Spangler, Courtney Leigh; Sparvero, Emily S; Stawasz, Karen L; Stein, Peter J; Stephans, Elizabeth L; Stolnacher, Patricia L; Stoltzfoos, Gerald D.

Stoltzfoos, Jeffery L; Strickland, Carolyn; Strothman, Alexis A; Stuart, Robert R; Swain, Tooshar K; Swartz, Barbara K; Sweeny, Jennifer Mahurin; Sybyl, Julie M; Szy, Daniel J; Taylor, David N; Tekel, Adam R; Thompson, Holly; Titus-Young, Joy J; Traynham, Robert L; Trego, Joshua S; Tulyasathein, Charnsin; Turner, Michelle D; Urguhart, E Randy; Valdes, Stephen G; Vanderpool, Kristen R.

Vesey, Jennifer L; Voinski, John A; Vulakovich, Randolph P; Walker, Patricia B; Wall, Toni B; Walters, Christopher F; Watson, D Dexter; Weaver, Chad A; Weber, David; Weiss, Todd M; White, Jennifer S; Wiesenfeld, Michael A; Williamson, N Kathy; Willis, Jessica R; Wittman, Anne E; Wright, Erica Clayton; Wusinich, Maria T; Yanoshak, Erica M; Younger, Anita.

SENATE REPUBLICAN CONFERENCE EMPLOYEES

Amy Marie Adams; Jeff Hunt; Garrett Fahy; Joel Digrado; Kate Harris; Shonda Werry; Cris Clapp; Melissa Seckora Anderson; Elizabeth Keys; Barbara Ledeen; Chrissy Shott; Sarah Berk; Mark Rodgers; Randy Brandt; Katherine Gonzalez; Carlos Gonzalez; Lane Marshall; Cyrus Pearson; Robert Traynham; Henry Peterson; Chris Angrisani; Laura Gill.

Nick Schweich; Aaron Broughton; Tim Petty; Curtis Swager; Nate Green; David Song; Michael Bleicher; Jen Sweeney; Joy Schmidt; Eden Gordon; Susana Levenson; Eric Miller; Chris Myers; Rebecca Cotton; Drew Cantor; Alex Kaufman; John Rankin; Dan Ronayne; Eric Ruiz; Loredana Vouto; Deidre Woodbyrne.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I wish to say to my good friend from Pennsylvania, before he leaves the floor, what an extraordinary 16 years he has had representing the people of his State and what a truly outstanding Member of the Senate he has been and what a moving farewell address I had an opportunity to witness. Good luck, good friend, and Godspeed.

Mr. President, I ask unanimous consent that the vote on the pending nomination occur at 5:45 today and that prior to the vote, Senator GRASSLEY be recognized to speak for up to 10 minutes, Senator ENZI for up to 5 minutes, and Senator KENNEDY for up to 5 minutes.

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

Mr. FEINGOLD. Mr. President, I am pleased that the Food and Drug Administration will finally have a confirmed

Commissioner. And I am glad that the President's nominee, Dr. Andrew von Eschenbach, has acted to address concerns that have been raised about his nomination. He addressed conflict-of-interest concerns by resigning his position as head of the National Cancer Institute. The FDA also approved access to emergency contraception without a prescription. This decision should have been made when the FDA's expert panel recommended it, and I was disappointed at the shameless politicizing of science over emergency contraception. With those issues now resolved, I will vote for his nomination.

Mr. HATCH. Mr. President, I rise in strong support of the nomination of Dr. Andrew von Eschenbach to be Commissioner Food and Drugs.

I am pleased that the Senate is considering Dr. von Eschenbach's nomination and I strongly urge my colleagues to support him because the FDA needs a permanent Commissioner to lead the agency. The FDA has been criticized time and time again over this. To me, the first step toward promoting stability in the agency is for the Senate to confirm an FDA Commissioner. Dr. von Eschenbach is a capable administrator, extremely knowledgeable about health care and food and drug policy, and we can count on him to do the right thing. It is past the time that he be confirmed.

I had the opportunity to work with Dr. von Eschenbach when he was the Director of the National Cancer Institute and found him to be personable and engaging. I also had a long meeting with Dr. von Eschenbach before his Senate confirmation hearing and was very impressed with his in depth knowledge on matters before the Food and Drug Administration. But even more impressive, Dr. von Eschenbach truly listened to my ideas regarding the FDA, and I greatly appreciated it. It is clear that he intends to work closely with the Congress.

The bottom line is that I am convinced Dr. von Eschenbach is the best person for the job, and the sooner we get him confirmed, the better.

I would like to take a moment to talk about FDA-related issues facing my home State of Utah and where Dr. von Eschenbach's strong involvement will be crucial.

As my colleagues are aware, Utah is home to the largest concentration of dietary supplement companies in our Nation, so ensuring that the Dietary Supplement Health and Education Act, DSHEA, law is strongly and appropriately enforced is a high priority of mine.

I have been told by every FDA Commissioner since Dr. Kessler that the FDA has adequate authority under DSHEA to make certain the supplement marketplace is safe, so it is my hope that Dr. von Eschenbach will make this a priority during his tenure as FDA Commissioner.

In addition, as I have told him on more than one occasion, it is essential for Dr. von Eschenbach to work to finalize and implement good manufacturing practices—GMPs—for supplements as authorized by DSHEA. It is 12 years since they were authorized. And, despite the repeated contacts Senator HARKIN and I have made, the reportedly drafted regulations have still not been issued. I want to encourage strongly Dr. von Eschenbach to address this matter once and for all.

We will also be counting on the good doctor to implement the new system of mandatory reporting of serious adverse events—AERs—for nonprescription drugs and dietary supplements that is contained in S. 3546, the Hatch-Durbin bill we passed last night. It is my hope the House will pass the bill today—and it can be sent to the President for signature. When enacted, the Hatch-Durbin-Harkin-Enzi-Kennedy bill will require manufacturers of supplements and over-the-counter drugs to report to FDA any reports of serious problems associated with the use of the products. This is an important consumer protection bill, and it is important that FDA seek the funding to implement the program as Congress intends. I stand ready to work with the agency on this.

Another concern I have expressed to Dr. von Eschenbach and his agency is the need to look out for the ''little guy'' once he becomes Commissioner. Utah is the home to more than 100 medical device companies, many of them small, and I want Dr. von Eschenbach and his staff to treat these companies fairly, especially when the FDA officials conduct inspections. There have been several complaints from manufacturers about the tactics that the FDA inspectors have taken. I think these complaints have merit. All I ask of Dr. von Eschenbach is that Utah companies be treated fairly by the FDA.

I also am deeply concerned about the agency's lack of funding. This has been a growing concern, especially as it affects implementation of DSHEA, the new AEER system, and also the review of generic drug applications. While I realize that FDA has a lot of responsibilities, ranging from ensuring the safety of drugs and medical devices to protecting our country's food supply, it simply isn't fair to continue to pile on these responsibilities without providing the FDA with adequate funding. I assure Dr. von Eschenbach that I will work with him and my colleagues on the Senate Appropriations Committee and the Senate HELP Committee to ensure that the agency is provided with sufficient funding.

I urge my colleagues to vote in favor of Dr. von Eschenbach today so that the agency will finally have a permanent leader who will look out for the best interests of both the American people and an important Federal agency—the FDA.

Ms. MIKULSKI. Mr. President, I rise before you today to discuss the nomination of Andrew Von Eschenbach as Commissioner of the FDA.

I first want to say that I love the FDA. FDA is in my home state of Maryland. It employs over 10,000 of my constituents. It is right down the road from the NIH. I am proud to have all that research at NIH and then have FDA in Maryland standing up for the food safety of the American people, looking out to make sure that the drugs and the technologies that we use are safe.

Over the years, I have fought for the right facilities, the right resources, and now the right leadership at the FDA. Dr. Von Eschenbach is an experienced clinician and researcher and as the former Director of National Cancer Institute, NCI, I presume he is committed to the mission of FDA. However, I have concerns. I have yellow flashing light about his commitment to reform over drug safety, to not politicize science, and to establish a channel where employees can speak truth to power.

This is important. As we consider the nomination of Dr. Von Eschenbach, we must address one of the most important issues facing our Nation: the loss of confidence in our Government's ability to ensure the safety of our food, our drugs, and our medical devices. The FDA has always been the gold standard in maintaining the safety and efficacy of our drugs and medical devices.

Yet today the Agency is being politicized and degraded. The current administration has shown a persistent pattern of placing politics before science; making appointments based on ideology instead of competency; stifling scientists whose findings do not meet political objectives; making decisions based on politics, rather than sound science.

Nowhere is this more evident than at the FDA. Today, FDA is facing a crisis: There is a crisis of morale. There is a crisis of confidence in the reliability of FDA decisions. There is a crisis about whether there are scientists operating under a gag rule, putting politics above science. There is a crisis ensuring the reliability and safety of our drugs.

This summer, Union of Concerned Scientists released its survey of the scientists at the FDA. These scientists are my constituents. They found the morale of trusted and respected employees has been battered by years of weak leadership. This survey is important because it gives a public voice to scientists who aren't in a position to place their jobs on the line to suffer retaliation for speaking the truth and to potentially jeopardize their families.

The FDA needs a major overhaul and a culture change at the highest levels in order to continue to meet its mission. The FDA needs to reestablish its relationship with its own scientists. The FDA's focus should be only on science and the public good. And I am hoping that Dr. Von Eschenbach will be the strong leader the FDA needs to accomplish this overhaul.

My criterion for looking at every nomination are competence, integrity,

commitment to the mission of the Agency.

Competence: Management expertise is essential to effectively run FDA without redtape and bureaucracy. The FDA has over 10,000 dedicated employees and has a budget of nearly $2 billion. Strong management skills and leadership are essential to ensure that FDA can efficiently and effectively carry out its many responsibilities.

Integrity: The individual must be well-respected by patient/consumer groups and the industry so that FDA commands the respect of the public and the industry it regulates. The FDA Commissioner must also be an honest broker and listener who can make tough calls on contentious issues.

Commitment to the mission of the Agency: Decisions must be made based on sound science and public health, not ideology. The nominee must maintain the FDA gold standard of safety and efficacy, ensuring timely approval of new therapies to save lives, help patients live longer and improve their quality of life and ensuring safety of our food supply.

The FDA needs strong leadership. Dr. Von Eschenbach is an experienced and respected scientist. We need his leadership to help Congress establish the legislative framework needed to reform FDA: We need to restore the morale at FDA; we need to restore confidence in the FDA for all Americans; and we need to restore FDA to the world's premier food and safety regulatory agency.

We need his commitment to ensure that the best possible science informs the decisions the FDA makes every day. We need him to ensure a culture of openness so that management listens to and addresses the concerns of your employees. We need him to make significant changes to transform the Agency to the gold standard it once was.

FDA sets the gold standard. Yet today we have ideology over science, ideology over competence. I strongly believe the FDA needs a strong permanent Director. I will therefore vote for Andrew Von Eschenbach in the hopes that he can become that strong leader FDA needs and the American public deserves.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. 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. KENNEDY. Mr. President, at 5:45, in just 15 minutes, we will have an opportunity to vote on the nominee to head the Food and Drug Administration. I want to first of all commend my friend, the chairman of our human resource committee, Senator ENZI, for his leadership over this period of time in giving the assurance to the agency, and much more importantly to the American people, that we are going to have someone in charge of this agency able to exercise executive decisions, to make sure the agency itself is going to fulfill its role in protecting the health of the American people. So first of all, I thank my colleague and friend, Senator ENZI, for making sure we are going to get an opportunity to vote.

I thank the majority leader, Senator FRIST, for making sure that we were not going to leave this session without having a final vote on the nominee.

In the last 5 years, only in one of those years did we have a head of the FDA. The rest of the time, they were ''acting.'' A good deal of the time, there was virtually no presence. This is the most important health agency that guides and guards American's health, the health of our children, the health of the elderly, and the health of families in our Nation. So this is a very important point, and I welcome the opportunity to urge the Senate to approve Andrew von Eschenbach for this position.

As I mentioned, the Food and Drug Administration oversees the products that account for fully a quarter of the entire U.S. economy. Every day, the agency makes decisions that mean the difference between life and death for countless patients. Millions of Americans rely on drugs the FDA approves to protect them from sickness, and every family in America counts on the FDA to see that the food they eat is free from contamination.

Now we are in the life science century, and the opportunities for breakthroughs with new drugs is unlimited. With the progress we have made in the Human Genome Project and the sequencing of the genes, the research that is being done across this Nation, the possibilities are virtually unlimited. But it is all new science. We have to make sure that this agency which is going to make the judgments and decisions about approval or disapproval is going to have the best in terms of scientists, the best in terms of leadership. That is at issue here if we do not have someone who is going to be the head of the FDA to make sure the agency that has responsibility for the safety of prescription drugs is going to work in ways to protect the American consumer; that the agency that is in charge of the food safety in this country is going to work to ensure that it is going to be effective for the American people.

Now the agency itself, the FDA, urgently needs treatment. For too long, it has been without a confirmed leader. It has become a ship without a captain, lacking the initiative and confidence that only a confirmed commissioner can bring. Year after year, under this administration, the FDA has been allowed to drift, and year after year the challenges that face the agency have grown.

Think of the controversies—about antidepressants, about the withdrawal of Vioxx, about the sale of Plan B over the counter, about adequate review of drugs on the market. The agency has had to struggle unfairly with difficult scientific questions, inadequate resources and authority, and political pressures to ignore the science that must be—good science has to be at the heart of its mission.

Finally, the day is here when the Senate can act to confirm a commissioner whose job No. 1 will be to restore the leadership to this essential agency and begin the process of addressing the many major concerns that have gone unmet for so long.

Dr. von Eschenbach is a good choice to lead the FDA. At the National Cancer Institute, he led bold initiatives on the human genome and nanotechnology. As a physician for patients with cancer and a survivor of cancer himself, he brought an indispensable patient-centered perspective to the Cancer Institute, and he will bring that to the Food and Drug Administration as well.

Dr. von Eschenbach was able to find a solution to the controversy about allowing the over-the-counter sales of Plan B. We may never know the battles he had to fight and win to achieve that solution, but his integrity and tenacity in achieving a solution speak volumes for his character and his commitment to public health.

FDA has long been regarded as the gold standard in regulatory work. That will continue to be true only if it makes independent, science-based decisions, in both fact and appearance, and under Dr. von Eschenbach's leadership, we expect FDA to make those discussions solely on the basis of science and in the best interests of public health. To do the job we expect——

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

Mr. KENNEDY. I ask, if there is no objection, that I be able to proceed for another 4 minutes?

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

Mr. KENNEDY. Mr. President, we have to make sure the agency itself is going to have the adequate resources that are going to be necessary to protect the public interest. What we are talking about here is making sure they have the best, in terms of science—in terms of prescription drugs and the new breakthroughs. We have the whole range of new medical devices which are out there. The United States is leading the way. We want to make sure they are safe and effective. The agency has important responsibilities in terms of the safety of our food supply. We have given it additional kinds of responsibilities to deal with the challenges of the war on terror.

This agency has enormous responsibilities in terms of the consumers and the families of this Nation. It needs the strong leadership which I think the nominee can bring, and it needs the kind of support from the Congress that

will permit it to be the true gold standard for safety and for improving the health of the American people.

As other agencies are set up around the world—in Western Europe and now even in Asia—the place they look is at the FDA, and for very good reason. We want this agency to be the best. It can be the best. With a new leader and hopefully with the new Congress giving the agency the kind of support it should have, we can make sure the health of the American people in these important areas is going to be secure for the future.

Again, I thank my friend and colleague from Wyoming for his persistence and tenacity in making sure where we are this evening. We would not be here if it had not been for his good work on this issue, as in so many others. I thank him, and the American people ought to know that this is an enormously important vote to protect their interests. I hope this nominee is approved overwhelmingly.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Massachusetts, Mr. KENNEDY, for his tremendous effort over the last 2 years as we have worked on health issues but particularly as we have worked on the FDA. The Food and Drug Administration is critical to the people of this country, and Senator KENNEDY and I have been asking to have a fully confirmed person heading that up every opportunity we have had. We have been reminding people they did not want to be the one objecting if there happened to be a national safety crisis in food or health. It is just so critical.

People say he is ''acting.'' When you are the acting person in a position, you really do not have the authority. It means people are looking over your shoulder, seeing what you are doing, making sure you are dotting every ''I'' and crossing every ''t'' and following every rule and listening to every agency that has any control over you. Someone who is fully confirmed can be the boss.

A lot of people would say: Why would this highly qualified doctor take this job?

I am sure now that he has been through the confirmation process, he is probably thinking: Why I would take that job? I am hoping he is not. In fact, earlier today I called him to let him know that the delay in getting a final vote on his confirmation had nothing to do with him, that we had some other logistical process things we were going through, that there would be a final vote today, and that I suspected, in light of the cloture vote, there would not be any problem. I am pleased that it still looks that way. I am anxious to call him and let him know he is fully confirmed as a commissioner and he can start to work on some of the morale problems that he talked about, can start to work on some of the other vision things he has in mind, and people will know he has the full authority to do that.

I do want to remind people that the FDA's mission is broad. It regulates food, it regulates drugs, it regulates biologics—and I wish I had time to explain all of what that is—medical devices. You probably didn't know that he handles animal feed, and that is because animals are ingested and could cause a problem, too. He is also in charge of cosmetics. For every dollar Americans spend, this agency regulates 25 cents of that dollar in products.

As science progresses, the challenges to regulation will grow. The FDA regulates a host of new products that blur the FDA's traditional boundaries, and that is one of the reasons the Senator from Massachusetts and I have been working on a FDA reform bill for a year and a half. We have now held hearings on that.

It is a very bipartisan bill. We have had some outstanding comments. There is a possibility to make the agency better, and we are going to continue to work on that so that all the new innovations that require a nimble and responsive agency to regulate them, and resources to match, will be in place so that he can do the kind of job he needs to do.

This is such a critical role in our Nation's public health, it is such an important agency, I do ask for people to give him a resounding vote in this confirmation.

Again, I thank Senator KENNEDY, who is the ranking member on the committee and soon to be the chairman of the Health, Education, Labor, and Pensions Committee, for his hard work and support during the process. I think it is time to bring this process to a close so we can get him confirmed as quickly as possible and have a true, fully confirmed Commissioner of Food and Drug.

I thank Dr. von Eschenbach for his patience with our process and for the work he has done in spite of the process. I look forward to getting to see the kind of job he will do as a fully confirmed physician. I ask for your vote in support of him.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in a couple of minutes we are going to turn to a very important vote, a vote that to me is significant because it touches every single American in some shape or form. Much has been said over the course of today about the scope of the FDA, the importance of having an FDA Commissioner, a permanent FDA Commissioner, and we will realize that shortly.

Earlier this year we celebrated the 100th anniversary of the Food and Drug Administration, which is an administration that I have used professionally in my previous profession in everything from the thousands of prescriptions I have written, to investigational drugs, to left ventricular devices, to lasers and artificial hearts. I have seen first hand how important it is to have an appropriate regulatory agency there. The Food and Drug Administration, as we all know, as we have said this afternoon, is America's first scientific regulation body. While the agency has adapted and changed with the times, it has remained true to its purpose of protecting interests of everyone who is listening to me, the American consumer.

In a few minutes we will vote on the nomination of a very good friend, Dr. Eschenbach, to the position of Commissioner of the Food and Drug Administration.

I have known Dr. Eschenbach, again professionally, and I have had mutual patients with him. And he has assisted in many ways as we have looked at appropriate therapy for individuals from across the country. He is currently serving as Acting Commissioner. I have interacted with him in that regard. He has demonstrated a capacity to lead and to administer in an exceptional way the Food and Drug Administration with sensitive issues on a daily basis. It is important that we have a permanent person in that position, and he is the ideal person, the ideal candidate to do just that.

In both his professional and personal life, Dr. Eschenbach has experience: as a cancer survivor, as Director of the National Cancer Institute, literally a nationally renowned urologic surgeon and oncologist, which all attest to the superlative qualifications to handle that challenging job, as we all know, as FDA Commissioner.

I hope colleagues will join me in supporting Dr. Eschenbach's nomination.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the nomination of Andrew von Eschenbach, of Texas, to be Commissioner of Food and Drugs, Department of Health and Human Services?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Montana (Mr. BURNS), the Senator from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN), and the Senator from Virginia (Mr. WARNER).

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

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Nevada (Mr. REID), are necessarily absent.

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

The result was announced—yeas 80, nays 11, as follows:

[Rollcall Vote No. 274 Ex.]

YEAS—80

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

NAYS—11

Baucus	Grassley	Talent
Brownback	Inhofe	Vitter
DeMint	Santorum	Voinovich
DeWine	Snowe	

NOT VOTING—9

Biden	Graham	McCain
Burns	Hatch	Reid
Dodd	Jeffords	Warner

The nomination was confirmed.

Mr. ENZI. I ask unanimous consent that the President be immediately notified of the Senate's action and that the Senate return to legislative session.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MORNING BUSINESS

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

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

The Senator from Oregon.

IRAQ

Mr. SMITH. Mr. President, I know it is probably appropriate to speak of our colleagues, and I will do that on the record. I rise tonight, however, to speak about a subject heavy on my mind. It is the subject of the war in Iraq.

I have never worn the uniform of my country. I am not a soldier or a veteran. I regret that fact. It is one of the regrets of my life. But I am a student of history, particularly military history, and it is that perspective which I brought to the Senate 10 years ago as a newly elected Member of this Chamber.

When we came to the vote on Iraq, it was an issue of great moment for me. No issue is more difficult to vote on than war and peace, because it involves the lives of our soldiers, our young men and women. It involves the expenditure of our treasure, putting on the line the prestige of our country. It is not a vote taken lightly. I have tried to be a good soldier in this Chamber. I have tried to support our President, believing at the time of the vote on the war in Iraq that we had been given good intelligence and knowing that Saddam Hussein was a menace to the world, a brutal dictator, a tyrant by any standard, and one who threatened our country in many different ways, through the financing and fomenting of terrorism. For those reasons and believing that we would find weapons of mass destruction, I voted aye.

I have been rather silent on this question ever since. I have been rather quiet because, when I was visiting Oregon troops in Kirkuk in the Kurdish area, the soldiers said to me: Senator, don't tell me you support the troops and not our mission. That gave me pause. But since that time, there have been 2,899 American casualties. There have been over 22,000 American men and women wounded. There has been an expenditure of $290 billion a figure that approaches the expenditure we have every year on an issue as important as Medicare. We have paid a price in blood and treasure that is beyond calculation by my estimation.

Now, as I witness the slow undoing of our efforts there, I rise to speak from my heart. I was greatly disturbed recently to read a comment by a man I admire in history, one Winston Churchill, who after the British mandate extended to the peoples of Iraq for 5 years, wrote to David Lloyd George, Prime Minister of England:

> At present we are paying 8 millions a year for the privilege of living on an ungrateful volcano.

When I read that, I thought, not much has changed. We have to learn the lessons of history and sometimes they are painful because we have made mistakes.

Even though I have not worn the uniform of my country, I, with other colleagues here, love this Nation. I came into politics because I believed in some things. I am unusually proud of the fact of our recent history, the history of our Nation since my own birth. At the end of the Second World War, there were 15 nations on earth that could be counted as democracies that you and I would recognize. Today there are 150 nations on earth that are democratic and free. That would not have happened had the United States been insular and returned to our isolationist roots, had we laid down the mantle of world leadership, had we not seen the importance of propounding and encouraging the spread of democracy, the rule of law, human rights, and the values of our Bill of Rights. It is a better world because of the United States of America, and the price we have paid is one of blood and treasure.

Now we come to a great crossroads. A commission has just done some, I suppose, good work. I am still evaluating it. I welcome any ideas now because where we are leaves me feeling much like Churchill, that we are paying the price to sit on a mountain that is little more than a volcano of ingratitude.

Yet as I feel that, I remember the pride I felt when the statue of Saddam Hussein came down. I remember the thrill I felt when three times Iraqis risked their own lives to vote democratically in a way that was internationally verifiable as well as legitimate and important. Now all of those memories seem much like ashes to me.

The Iraq Study Group has given us some ideas. I don't know if they are good or not. It does seem to me that it is a recipe for retreat. It is not cut and run, but it is cut and walk. I don't know that that is any more honorable than cutting and running, because cutting and walking involves greater expenditure of our treasure, greater loss of American lives.

Many things have been attributed to George Bush. I have heard him on this floor blamed for every ill, even the weather. But I do not believe him to be a liar. I do not believe him to be a traitor, nor do I believe all the bravado and the statements and the accusations made against him. I believe him to be a very idealistic man. I believe him to have a stubborn backbone. He is not guilty of perfidy, but I do believe he is guilty of believing bad intelligence and giving us the same.

I can't tell you how devastated I was to learn that in fact we were not going to find weapons of mass destruction. But remembering the words of the soldier—don't tell me you support the troops but you don't support my mission—I felt the duty to continue my support. Yet I believe the President is guilty of trying to win a short war and not understanding fully the nature of the ancient hatreds of the Middle East. Iraq is a European creation. At the Treaty of Versailles, the victorious powers put together Kurdish, Sunni, and Shia tribes that had been killing each other for time immemorial. I would like to think there is an Iraqi identity. I would like to remember the purple fingers raised high. But we can not want democracy for Iraq more than they want it for themselves. And what I find now is that our tactics there have failed.

Again, I am not a soldier, but I do know something about military history. And what that tells me is when you are engaged in a war of insurgency, you can't clear and leave. With few exceptions, throughout Iraq that is what

we have done. To fight an insurgency often takes a decade or more. It takes more troops than we have committed. It takes clearing, holding, and building so that the people there see the value of what we are doing. They become the source of intelligence, and they weed out the insurgents. But we have not cleared and held and built. We have cleared and left, and the insurgents have come back.

I, for one, am at the end of my rope when it comes to supporting a policy that has our soldiers patrolling the same streets in the same way, being blown up by the same bombs day after day. That is absurd. It may even be criminal. I cannot support that anymore. I believe we need to figure out how to fight the war on terror and to do it right. So either we clear and hold and build, or let's go home.

There are no good options, as the Iraq Study Group has mentioned in their report. I am not sure cutting and walking is any better. I have little confidence that the Syrians and the Iranians are going to be serious about helping us to build a stable and democratic Iraq. I am at a crossroads as well. I want my constituents to know what is in my heart, what has guided my votes.

What will continue to guide the way I vote is simply this: I do not believe we can retreat from the greater war on terror. Iraq is a battlefield in that larger war. But I do believe we need a presence there on the near horizon at least that allows us to provide intelligence, interdiction, logistics, but mostly a presence to say to the murderers that come across the border: We are here, and we will deal with you. But we have no business being a policeman in someone else's civil war.

I welcome the Iraq Study Group's report, but if we are ultimately going to retreat, I would rather do it sooner than later. I am looking for answers, but the current course is unacceptable to this Senator. I suppose if the President is guilty of one other thing, I find it also in the words of Winston Churchill. He said:

> After the First World War, let us learn our lessons. Never, never believe that any war will be smooth and easy or that anyone who embarks on this strange voyage can measure the tides and the hurricanes. The statesman who yields to war fever must realize that once the signal is given, he is no longer the master of policy but the slave of unforeseeable and uncontrollable events.

That is a lesson we are learning again. I am afraid, rather than leveling with the American people and saying this was going to be a decade-long conflict because of the angst and hatred that exists in that part of the world, that we tried to win it with too few troops in too fast a time. Lest anyone thinks I believe we have failed militarily, please understand I believe when President Bush stood in front of ''mission accomplished'' on an aircraft carrier that, in purely military terms, the mission was accomplished in the wars in Afghanistan and Iraq. But winning a battle, winning a war, is different than winning a peace.

We were not prepared to win the peace by clearing, holding, and building. You don't do that fast and you don't do it with too few troops. I believe now that we must either determine to do that, or we must redeploy in a way that allows us to continue to prosecute the larger war on terror. It will not be pretty. We will pay a price in world opinion. But I, for one, am tired of paying the price of 10 or more of our troops dying a day. So let's cut and run, or cut and walk, or let us fight the war on terror more intelligently than we have, because we have fought this war in a very lamentable way.

Those are my feelings. I regret them. I would have never voted for this conflict had I reason to believe that the intelligence we had was not accurate. It was not accurate, but that is history. Now we must find a way to make the best of a terrible situation, at a minimum of loss of life for our brave fighting men and women. So I will be looking for every opportunity to clear, build, hold, and win or how to bring our troops home.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

CHRISTMAS

Mr. BYRD. Mr. President, Sir Walter Scott, in his poem ''Marmion,'' said these words:

> Heap on more wood!—the wind is chill;
> But let it whistle as it will,
> We'll keep our Christmas merry still.

The Senate will shortly adjourn for the remainder of the year. We will return home to our families and friends and begin to think of putting up Christmas decorations and shopping for those special presents that we will give to our loved ones. We will leave much work unfinished, postponed until the new Congress convenes next January. That I regret.

Continuing resolutions allow the basic work of Government to proceed, but they do not offer clear guidance to Government offices and programs, and they postpone any new starts or major changes to programs until the regular authorizing and appropriation bills are acted upon. That is unfortunate. However, we may be grateful this Christmas that we live in a nation in which changes in Government may take place in a peaceful fashion in open elections. We may also be grateful that we live in a nation in which the voice of the people can be expressed freely, eloquently, and peacefully. Vox populi, vox diae. This Christmas, we might alter our prayers for those around the world who do not enjoy these same great blessings.

Christmastime is a time of peace and celebrating, as Christians do, the birth of Jesus, whose world-transforming message preached peace, tolerance, kindness, and love for all people. I am not quite sure where the message to shop, spend, and wrap presents came from, for it is surely not in the Bible, nor in the teachings of Jesus. These days, it takes effort to carve out enough time and energy from the ceaseless march of consumerism to find the true spirit of Christmas. But, thankfully, it is still present amid all the bright lights and cheery background music. One can see it in the piles of canned goods donated to food banks. One can see it in the response to the ''angel trees'' that let people answer the Christmas wishes of children in their communities. One can hear it in the Christmas choirs that put on magnificent performances. ''At Christmas play and make good cheer, for Christmas comes but once a year.'' So wrote Thomas Tusser, who lived from 1524 to 1580, demonstrating that some good things have changed very little over the years.

For the birth of Jesus, the angels sang, and for Him in this cold season, churches across the Nation will be filled with joyous music. The churches of West Virginia are always filled with great music, but at Christmastime the choirs are especially inspired. There are few things more uplifting than coming out of an evening church service, buoyed up by sweet traditional music, and seeing the stars of heaven sparkling like diamonds across the velvet dark sky. All of the carols that we learned as children in church, or around the family piano, sing in our heads, don't they? The three kings following the ''yonder star,'' the stars shining brightly on that holy night, the manger in Bethlehem, and the holy mother and child on that silent night. Each year, these loving memories surface from the deep well of our childhood, each time bringing with them fond memories of happy days and family members no longer with us but still very dear to our hearts.

This year, many families will look to the stars to know that far across the globe their loved ones also gaze up at the same stars to recall home and to recall the same old Christmas story. In Afghanistan, in Iraq, in Korea and Kosovo, in Bosnia and Herzegovina, and elsewhere around the globe, many thousands of U.S. troops will be spending this Christmas season in a decidedly unpeaceful setting, proudly and bravely wearing the uniforms of this Nation. The National Guard units of West Virginia will have done and will continue to do their part, serving repeated deployments—I say again, serving repeated deployments—overseas. Many of them will not be able to spend Christmas with their families. For our troops especially, we pray for peace, that they might be soon returned to the loving arms of their families. And to the families of our service men and women, we offer words, hopefully, of comfort, assuring them that none of us can forget that during this holiday season their loved ones are far from home—far from home and far from safety. Our prayers and our wishes are with them always.

My soul, there is a country
Far beyond the stars,
Where stands a winged sentry
All skillful in the wars:
There above noise and danger,
Sweet Peace is crown'd with smiles,
And One born in a manger
Commands the beauteous files.

Henry Vaughn in 1650 wrote those words in his poem titled ''Peace.''

Mr. President, I wish everyone in our Nation and everyone in our Nation's service around the globe a beautiful and peaceful Christmas season. Wherever the demands of the Nation may send you, in your hearts and in your memories you can hear the music and relive the family traditions that make Christmas so very, very special.

As this year closes and a new year dawns, we are filled with kind thoughts and bold resolutions. For some, it would be a time also filled with a certain buyer's remorse, as the Christmas bills come due. For others, New Year's resolutions will lead them into gymnasiums in fresh attempts to exercise and work off rich Christmas cookies and cakes. I applaud everyone with such determination. Each new year is a new chance to address our pressing individual issues, be they health related or economic.

The new Congress must also be filled with resolve—resolve to respond to the clear messages sent by the people of the United States. We will have much work to do if we are to successfully deal with the situation in the Middle East, the mounting national deficit at home, the rising costs of health care, and myriad other problems. Our resolve must last longer than most introductory gymnasium memberships if we are to set our national house in order.

In January, Lord willing, I will begin my ninth term as a United States Senator from the beautiful State of West Virginia, whose motto is ''Mountaineers are always free.'' I have been here long enough to know that we have done it before, and we can do it again. I again thank the people of West Virginia for their votes of confidence in me, ROBERT C. BYRD, to continue in their service.

Mr. President, I close with a favorite poem of mine by James Henry Leigh Hunt, who lived from 1784 to 1859. This is a poem familiar to all of us, to me from my very earliest days in a little two-room schoolhouse. This favorite poem of mine by James Henry Leigh Hunt is entitled ''Abou Ben Adhem.'' During the Christmas season, and especially as we brave the crowds and the traffic at the shopping malls and in the grocery stores, it is good to remember that the true message of the season is to love the Lord and to love our fellow men.

''Abou Ben Adhem'':

Abou Ben Adhem (may his tribe increase!)
Awoke one night from a deep dream of peace,
And saw, within the moonlight in his room,
Making it rich, and like a lily in bloom,
An Angel writing in a book of gold:

Exceeding peace had made Ben Adhem bold,
And to the Presence in the room he said,
''What writest thou?'' The Vision raised its head,
And with a look made of all sweet accord
Answered, ''The names of those who love the Lord.''

''And is mine one?'' said Abou. ''Nay, not so,''
Replied the Angel. Abou spoke more low,
But cheerily still; and said, ''I pray thee, then,
Write me as one who loves his fellow men.''

The Angel wrote, and vanished. The next night
It came again with a great wakening light,
And showed the names whom love of God had blessed,
And, lo! Ben Adhem's name led all the rest!

Mr. President, I wish you and I wish all Senators and all peoples everywhere a very merry and peaceful and pleasant and memorable Christmas.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I say to my neighbor in West Virginia, my friend and my colleague, first of all, that the poem he just recited is one that my wife Frances and I learned in the seventh grade in Yellow Springs. The Senator reciting it brings back very good memories, not only of the poem but of being in the seventh grade with my friends.

There will be many things about this Senate that I will miss, and certainly one that I will miss is having the opportunity to sit here and to listen to my colleague from West Virginia as he speaks. It is a great privilege. It is a great thrill.

I must tell him, however, that there is C–SPAN in Cedarville, OH. I suspect the library does get the CONGRESSIONAL RECORD at Cedarville College and other places, so I will have the opportunity to listen to him and read what he has to say. He is a great treasure of this Senate.

I might also tell my colleague, as I told him personally yesterday, that I will carry around with me and keep with me and prize the small Constitution that I know is in his pocket right now that he gave me. I deeply appreciate that. And I know he gave one to the Presiding Officer as well.

One of the first things I did when I came to the Senate in January of 1995 was walk across the hall to see Senator BYRD. Senator BYRD was kind enough to give me his ''History of the Senate.'' I have cherished that, have read it. That will be going back with Frances and myself to Ohio. If I do, I say to my colleague from West Virginia, do what I hope to do—do a little teaching at the college level—I am sure those books will certainly come in very handy.

I thank my colleague for his friendship and for his great service now beginning this January his ninth term in the Senate.

One final note. I will tell my colleague, and I don't know if I have told him this, but my son and my daughter-in-law and our new granddaughter now live in West Virginia, so they are constituents of my colleague.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. DEWINE. I am pleased to yield.

Mr. BYRD. I thank this friend of West Virginia, this friend of mine. I shall always remember as long as I live—however long that may be—I shall carry in my heart a very warm feeling for him. He is our neighbor. He represents the people of Ohio, our neighbor to the west of the West Virginia hills. I thank him for his friendship and for his services to his people. His people are my people. I wish him well in the days and years ahead wherever he may serve. May God always bless you, my friend, and may He always keep you in the palm of His hand.

Mr. DEWINE. I thank my colleague for his very generous and kind comments. One final comment to say that it was his great leadership, along with the great leadership of Senator MCCAIN and others, which allowed us—group is the word I would prefer—a group of 14 Senators to make an agreement that I think was in the best interests of the Senate, and it has proved to be in the best interests of the Senate, in regard to our judges and how we confirm them. It has worked so far. My wish for you and my other colleagues as you go on is that you will continue to keep that agreement and it will continue to work. That is my wish.

Mr. BYRD. Mr. President, I thank the able Senator. I shall do my best to help fulfill his confidence and wishes.

HONORING OUR ARMED FORCES

SERGEANT DANIEL MICHAEL SHEPHERD

Mr. DEWINE. Mr. President, I rise today to pay tribute to a courageous young man, who dedicated his life to defending the freedom of others. Army SGT Daniel Michael Shepherd of Elyria, OH was killed in Iraq on August 15, 2004, when his vehicle was struck by a bomb. He was only 23 years old.

Daniel—fondly referred to as ''Danny'' by his family and friends—was deployed to support Operation Iraqi Freedom in September 2003, after being stationed at Fort Riley in Kansas. Danny joined the military in 2000, upon his graduation from high school. A courageous member of the 1st Battalion, 16th infantry regiment, 1st Brigade, Danny was remembered as a committed soldier and loyal friend.

His platoon SGT Ron Tulanowski remembers Danny's reliability and bravery when the Sergeant's armored vehicle was hit by a grenade. In describing Danny's heroism, the Sergeant said that ''he probably saved my life the day I got hit.'' Danny was more concerned for the lives of others than he was for his own. I can think of nothing more honorable.

Danny attended Columbia High School where he played center and tight end on the school's football team. He was known as a great athlete and devoted team player. According to Ray Anthony, the Columbia Township Fire Chief, ''Danny was like the big brother

of the football team.'' One of Danny's former teammates Mike Banyasz also recalled how helpful he was to all his teammates. ''He was starting center and I was backup center,'' he said.

By the third game, he moved to tight end, and I became starting center. He helped me out a lot. He was a big reason I became the starter.

Clearly, Danny believed in the value of teamwork. His willingness to always help others be their best made him a truly excellent soldier.

It was also in high school, Mr. President, that Danny met his future wife Kassie for whom he cared deeply. While Danny was in Iraq, Kassie waited anxiously for him at home; she missed her husband terribly.

Kassie gave birth to their son, Daniel A. Shepherd, while Danny was deployed in Iraq. Daniel was born on St. Patrick's Day and according to family members and friends, looks just like his father. Danny was scheduled to return from Iraq a week after he died. He was looking forward to meeting his son for the first time. When Danny died, his son was only six months old.

Recognized for his unrelenting drive, Danny simply had a passion for public service. He attended law enforcement classes at Lorain County Joint Vocational School and planned on contributing to the safety of his community by becoming a police officer upon his return from Iraq. And according to his grandmother Celia, ''Danny understood the value of education and planned on attending college upon his return.''

Friends and family members were inspired by Danny's motivation and positive attitude. He went about his busy and stressful days with an infectious smile on his face. Danny's former teammate Chris Horn said:

Danny's daily schedule was always hectic, yet I never heard him gripe or complain.

Indeed, Danny's optimism shined through to his peers as he worked to reach his goals. According to Chris, Danny ''seemed like he knew what he wanted to do from the get-go. He said he wanted to be in the military and then when he got out, he wanted to become a cop.''

Danny's family and friends are frequently reminded of his character, reliability, and willingness to help others. Roger Pace—the minister at Broadview Road Church who delivered Danny's eulogy—said that ''the Army calls such people leaders, regardless of rank.'' Indeed, Danny Shepherd epitomizes the definition of leadership.

SGT Andrew Ritchie of New York—who had served in an earlier deployment with Danny—reiterated this characteristic. This is what he said:

Shepherd was one of the best people I ever had the chance to meet and serve with in the Army. . . . He always did [his job] to the best of his ability. He would always stop to help somebody else out when they needed it. All I can really say is he was a great person.

Danny will leave a lasting impact on everyone he met. His former next door neighbor, Jennifer, reflected upon the sadness she felt when she heard of his death. She wrote the following on an Internet tribute webpage:

So much pain rushed through me all at once because I knew that I would never get to see 'the boy next door' again. The pain did not last too long, though, because I soon realized that though Danny's physical presence will no longer be there, his love and memories will never falter.

Mr. President, Danny Shepherd's heroic actions and service to our country will be honored and remembered long after his death. His optimism will continue to inspire those who knew and loved him.

My wife Fran and I continue to keep Danny's family—his wife Kassie, their son Daniel, and Danny's parents Karen and Daniel—in our thoughts and prayers.

PRIVATE FIRST CLASS ADAM R. SHEPHERD

Mr. President, I rise today to pay tribute to Army PFC Adam R. Shepherd from Somerville, OH. On January 17, 2006, PFC Shepherd died in Iraq from an illness. He was serving with the 2nd Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team, 101st Airborne Division, based out of Fort Campbell, KY. Adam was 21 years old.

Adam leaves his mother and step-father Susan and Mark Miller, his father Roger Shepherd, and his brothers Marcus Miller, Elijah Miller, and Army SPC Joshua Shepherd, who also is serving with the 2nd Brigade.

Adam was born in Cincinnati on Christmas Day 1984. Growing up, he attended Preble Shawnee High School until he transferred to the Life Skills Center for his senior year. He graduated in 2002, and enlisted in the Army in January 2003. As an infantryman, Adam's relatives say that his superiors in the Army regularly praised him for his positive attitude and for always volunteering for dangerous duties.

Hector Santiago, one of Adam's school teachers, remembers him as a ''very good student. . . . He was an even-keeled, happy-go-lucky type of guy,'' he said. Those who grew up with Adam remember him as a real jokester. He always had something funny to say and was always trying to make his friends smile. For many, he was simply a ray of sunshine in their lives. As one of his friends, J.J. Green, said, ''We had a blast every time we got together. He was always the generous, happy person in our group of friends. I will miss him forever.''

Adam will also be remembered for his politeness and compassion. He was the type of person who was always looking to make new friends. Janeese Martin wrote the following on an Internet tribute webpage in Adam's honor:

I was very shocked and saddened to hear of Adam's death. He was a very wonderful person. He befriended me when I moved to Preble Shawnee—no questions asked. I was very proud of him when I heard that he served his country.

Adam's sense of humor and ability to make others laugh followed him to Iraq, where his fellow soldiers found in him a good friend—someone who could brighten any day. SGT T. Gonzales left Adam's family the following message in tribute to Adam:

I was fortunate to make the acquaintance of this fine soldier, as well as that of his brother . . . during the first trip to Iraq in 2003 to 2004. Adam was always one with jokes in his mind and has shown me the lighter side of life. . . . He will be greatly missed! My heart, prayers, and thoughts go with all of you.

PFC Dennis Bluhm had this to say about his friend:

[O]ne thing I can tell you is that Adam made an impact on everyone he talked to. He has always been able to find a way to make someone laugh, even when they wanted to cry. He was one of the BEST friends that anyone could ever have the privilege of growing up next door to. Adam is not gone—he lives on in all of our memories, and with a guy like him . . . he will definitely not be forgotten.

Adam was a loving son and brother. His family dearly misses him. As his mother Susan said, ''I have four children—four boys—and a quarter of my heart is gone.''

Adam's Aunt Ruth wrote the following about her nephew:

Today is Valentine's Day—a time to remember those who you love. I love Adam. I always will. He brings a smile to my face everyday when I think of him. He was such a sweet boy who turned into such a fine young man. My heart goes out to his mother, who will always be my friend and sister. . . . I recall the saying, 'It matters not how much we love, but how much we are loved.' And Adam was so very loved—'till we meet again, Adam.

Adam will always be remembered for his warm, beaming smile. From the day he was born, as his Aunt Rose remembers that his smile just stood out—that it was truly unforgettable.

Adam was proud that he fulfilled his dream of becoming a soldier and serving our Nation. He was brave and dedicated. His service to our country has earned him several awards, including the Army Good Conduct Medal, the Army Service Ribbon, the Combat Infantryman Badge, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, and the National Defense Medal.

When I think of young men like Adam, I am reminded of the words of President John F. Kennedy. This is what he said:

Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and the success of liberty.

Without question, Adam served his country bravely to help ensure the success of liberty. He was a man of courage and loyalty, devoted to his family, his fellow soldiers, and his country. But what's more, Adam served cheerfully, and with a smile. Army PFC Adam Shepherd will never be forgotten.

My wife Fran and I continue to keep Adam's friends and family in our thoughts and prayers.

LANCE CORPORAL DANIEL NATHAN DEYARMIN

Mr. President, I rise today to remember and honor a fellow Ohioan—Marine LCpl Daniel Nathan Deyarmin, Jr., from Tallmadge. Lance Corporal Deyarmin was killed on August 1, 2005, during combat operations in Iraq. Just two days before his death, he celebrated his 22nd birthday. He is survived by his parents Edie and Daniel Deyarmin Sr., and by his sister Erica.

To friends and family, Lance Corporal Deyarmin was known simply as ''Nate.'' Born in Tallmadge, he lived there his whole life and loved to dress in cowboy outfits and tinker with old cars. Kind-hearted and easy-going, he was also a consummate prankster. Once, after cleaning his room under orders, he then painted the following words on the ceiling—''I got even!''

Nate's mother remembers that he could make anything fun. Even when he was in trouble, his parents simply couldn't stay mad at him. It would never be long until they were all laughing together.

His friends recall that Nate was friendly with everyone he met. He was simply one of the guys, whether they were hunting, playing football or soccer, wrestling, or working on stock cars. Nate graduated in 2002 from Tallmadge High School, where he was a member of the football team.

Don Duffy was his school counselor for four years at Tallmadge High and remembers talking with the young Nate about his interest in the military. He describes Nate as ''soft-spoken [and] polite,'' a good student who was well-liked by his fellow classmates.

Nate enlisted in the Marines in January 2003, one of five members of his unit who graduated from the Tallmadge public schools. The group spoke twice to students at Tallmadge Middle School before shipping to Iraq in January 2005. ''They felt very strongly about what they were doing,'' Tallmadge teacher Carol Arbour said. ''We prayed they would be coming home together.''

In Iraq, Nate became part of a special sniper unit. His mother remembers how important his fellow Marines were to him. ''He loved being with the snipers,'' she said. ''They worked together and they meshed. They covered each other's butts.''

Nate's sister, Erica, also remembers his commitment to being a Marine. ''He believed in his country,'' she said. ''He loved being a Marine.''

During phone calls home, Nate's family had a rule that nothing negative could ever be said during their phone conversations. His parents knew that being a sniper was a difficult job, and that Nate had to stay focused and alert at all times—even if he had gone without sleep for hours on end.

Nate was enthusiastic about many things in life, but cars were his passion. He would help friends whose cars broke down in the middle of the night, and he loved to restore old cars. ''That was his favorite thing to do,'' Nate's sister recalls.

Family friend Ray Kozlowski described Nate as a ''horsepower enthusiast.'' With his father, he would work on old cars in the garage, where they kept a dozen cars in various states of disrepair. And Nate's friend, Eddie Papp, remembers how focused he was when working. ''So many times we would be working on something, and I would want to go to bed and get some sleep, but Nate would not let me,'' Eddie said. ''He would make me push myself to go a little longer.''

During Nate's funeral procession, his family drove some of his favorite cars. One of them was a 1985 Monte Carlo—a car that literally had Nate's teething marks in the dashboard. Nate's friend Charlie Harner has painted the words ''In Loving Memory'' on the deck lid of his own stock car. All of his races are dedicated to Nate.

Nate was a man who was devoted to his country, to his marines, and to his family and friends. While serving in Iraq, he would often speak with his family on the phone. Although the conversations were often emotional, he said he was proud of serving to make the country safe.

Nate's mother remembers that her son was upbeat when he called on his 22nd birthday. ''He was happy,'' she said. ''He was always happy.''

Nate's death was felt by the entire Tallmadge community. He was honored by Tallmadge High School during its first football game of the 2005 season, and the sixth graders that Nate talked to at Tallmadge Middle School will always remember the day that they heard a true hero speak.

Nate was one of six men from his sniper unit to be killed on August 1, 2005. SGT Brian Casagrande served with these men. This is what he said about Nate:

> Daniel 'Nate' Deyarmin came to us . . . from Weapons Company. He brought with him his goofy smile and upbeat spirit. His goofy exterior, which earned him the usual dose of ribbings, contained the soul of a gentle, thoughtful man. He was always willing to undertake any task set before him, and did so without complaint or hesitation. He could be found during his time off reading some kind of 'motorhead' magazine, and he was always talking specs about vehicles. Nate's smile will be missed.

Nate's memory continues to inspire others. Working together with family friend Ray Kozlowski, Nate's mother has organized a fundraiser in her son's honor to benefit veterans with disabilities. Fittingly, the fundraiser is based around what Nate loved most—horsepower.

On October 2, 2005, the LCpl Daniel ''Nate'' Deyarmin Memorial Benefit Run drew 1,500 motorcycles and 250 cars, successfully raising more than $17,000 for the veterans. Another event was held this past summer. In the past 2 years, Nate's mom has helped to raise over $35,000 for veterans with disabilities.

The life and heroism of Nathan Deyarmin will never be forgotten. He was a fine man with a compassion for life and a dedication to his family, friends, community, and country. As his mother said, ''If you truly knew Nathan, you loved him.''

I would like to conclude with words that Nate, himself, wrote in the Akron Beacon Journal. The article was published on July 4th, 2005, and Nate wrote about being away from loved ones over the holiday, and what it meant to be defending his country with his fellow marines instead. These were his words:

> [T]he free will to be over here and help each other is one of the hardest things in one's life and still being able to put forth our best effort to make the best of every situation we encounter. That's what we as Americans do. We make the best of everything. Semper Fi.

My wife Fran and I continue to keep LCpl Nathan Deyarmin's family in our thoughts and prayers.

CORPORAL JOSEPH ANTHONY TOMCI

Mr. President, I rise today to remember a brave Ohioan who died while serving our country in Iraq. Marine Cpl Joseph Anthony Tomci died on August 2, 2006, from wounds received from an IED explosion, while conducting combat operations against enemy forces. He leaves behind his mother and step-father Gayle and Philip, his father John, and his brother Jason.

Joe—as friends and family called him—graduated from Stow-Monroe Falls High School in 2003 and immediately enlisted in the Marines. His father remembers how proud Joe was to be serving his country. ''He felt that they were doing something worthwhile,'' John recalled. ''He loved what he was doing. As a father, that's the highest thing that you can want for your children.''

Joe's family and closest friends remember him as a sensitive man with a deep sense of compassion. A family friend, Susan Walker, recalls the time when a 10-year-old Joe unsuccessfully tried to nurse an abandoned mouse back to health. When the mouse died, she said, ''Joseph was devastated.''

Joe was a young man with many interests. He will be remembered as a loyal friend, a comedian, and a Heineken beer drinker. He loved football and played on his high school team. Joe also loved movies and had an amazing knack for memorizing lines from his favorite flicks. He'd recite these lines while watching movies—often to the dismay of those watching alongside him.

His lifelong friend Mike Gross remembers that Joe was ''the life of the party.'' In Mike's words, ''It was always better when Joe was around.''

Indeed, Joe loved his friends. On his second tour in Iraq, he kept pictures of his closest buddies in his helmet. And, after receiving news of his death, more than a dozen of Joe's friends gathered to remember the man they knew as ''Joe Tom.'' They were lifelong friends, who had played sports together as kids and had ridden their bikes through the streets of Stow. The even had a name for themselves—''The Organization.''

Friend, Steve Young, remembers that Joe would tell say that ''he was not only serving his country, but he was serving us. He would tell us, 'I am going so you don't have to.' ''

In addition to his strong sense of duty, Joe also had a remarkable sense of humor. To his friends, he was always something of a prankster. Jacob Geopfert particularly remembers one night when they were all at his family's lake house.

Without warning, their friend Nick sneezed three times in a row. Joe looked at him and yelled, ''I don't get allergies, I give them.'' He then pushed Nick—fully clothed—into the lake. ''That was Joe,'' Nick remembers. ''That's how he was.''

While serving abroad in Iraq, Joe became pen pals for a class of second graders at Fishcreek Elementary School in Stow. Teacher Tracy Piatt remembers how much corresponding with the young Marine in Iraq meant to her class. They would make birthday cards and throw parties in his honor, singing ''Happy Birthday'' to his picture that hung on their wall. They sent him care packages, and tracked his location in Iraq on a map.

After his first tour ended, Joe visited the class, thanking them for their thoughtful letters. As he walked to the front of the room, they stopped and stared at him with awe and admiration. Joe talked to the class about being an American and being a marine. He spoke of the importance of respect, loyalty, faith, and trust. And, he told them that their packages were one of his best motivations in Iraq, and that he would sit there reading their letters for hours.

The students in Tracy Piatt's class will miss the young man who became their marine. ''He was so proud of what he was doing,'' Tracy tearfully remembers. ''You could tell he cared about making Iraq a better place for the people there.'' In her words:

> [Joe] was a good kid, a good young man. He just wanted to be good for people. I wish he knew how many people cared about him. He touched so many lives that he didn't even know about.

Tracy believes that having corresponded with Joe will make her students grow up to be better adults. I don't think there is anyone who could disagree with that.

Nearly 1,000 people gathered inside the Holy Family Church to pay their final respects to Joe. Standing at the front of the church were the boys and girls from Fishcreek Elementary. Their teacher Tracy spoke at the funeral. This is what she said:

> As we look into the faces of these boys and girls, you're looking at Joe Tomci, for he is in their hearts, and they will carry him forever.

Also speaking at his funeral, Reverend Paul Rosing remembered Joe as a true American hero. He said:

> He fits the image of a classic hero. He's tall, good-looking, and strong. He wanted to be a Marine since he was a small child, and he went into the Marines as early as he could.

Though Joe was nearing the end of his enlistment, his father believes that his son was destined for a bright career in the military. Joe had talked about the possibility of becoming a drill instructor, feeling that his combat experience in Iraq would help him make better Marines out of new recruits. And it was Joe's nature to assume leadership positions. As his father said, ''In a sense, he'd be helping others. That was kind of his life's mission.''

Joe made everyone who knew him proud. His mother remembers how important being a Marine was to Joe. ''He always dreamed of being a Marine,'' she said. ''He believed his service was a benefit to the world.''

This sentiment is one we hear over and over again when people talk about Joe's life. He was a caring man, someone who took his leadership responsibilities seriously. He genuinely cared about the Marines who were serving under him and worried about them often. During his last tour, he didn't call home as frequently as in the past. His mother explains that Joe said ''it was because there were so many men under his care that were on their first tour of duty that he wanted to make sure they'd have the opportunity to call home. That's just how he was.''

Marine Cpl Joe Tomci was a young man who genuinely loved life and had great compassion for others. His dedication to his friends, family, community, and country was unmatched. Joe is a model of what we all hope our children will become.

My wife Fran and I continue to keep his family in our thoughts and prayers.

SERGEANT GARY ANDREW ECKERT

Mr. President, I rise today to pay tribute to Army SGT Gary Andrew Eckert, from Sylvania, OH. On May 8, 2005, Sergeant Eckert died in Iraq when an improvised explosive device detonated near his military vehicle. He leaves behind his wife Tiphany, their daughter Marlee, and their son Myles. Sergeant Eckert is also survived by his mother Deborah, his father and stepmother Gary and Cathy, his brother Ryan, and his sisters Denise, Crystal, Jessica, Stephanie, and Alexandria. Mr. President, Sergeant Eckert was 24 years old.

Family and friends referred to Gary as Andy, short for his middle name Andrew. They will remember Andy most for his courage, compassion, and dedication to his family. He was loved by all.

Andy graduated from Anthony Wayne High School in 2000, where he played on the basketball team during his freshman and sophomore years. Andy was a gifted athlete, someone for whom sports came easily. He was a huge University of Michigan fan, but would still spend afternoons cheering on The Ohio State University Buckeyes with his friends.

That must have been an interesting time, particularly when Ohio played Michigan.

Andy was attending Owens Community College when his Army Reserves unit was called to active duty in February 2003. Without question, Andy was a dedicated soldier. When he died, he was serving his second deployment in Iraq. During his first deployment, he had sustained injuries for which he received the Purple Heart. He was a courageous young man—a true hero.

During Andy's funeral, BG Michael Beasley commented upon Andy's second deployment to Iraq. Andy didn't have to return, but he did anyway. BG Beasley reflected upon why. This is what he said:

> Andy didn't have to go back to war. He came back a Purple Heart recipient. . . . He wanted to go back to serve our Nation, with our soldiers.

Brigadier General Beasley also said that Andy ''was a wonderful soldier and a brilliant patriot. He was someone who taught us a whole lot about wearing a uniform, about being a father, about being a husband, and about being an American.''

Bret Howland was a good family friend and a father figure to Andy. He said the following about Andy's decision to return to Iraq:

> He wanted to go with his people. He had this family, and he had his family with 983rd—[his Army battalion]. Everybody looked up to him, from the commander on down.

Bret also remembers how valuable Andy's friendship was. ''He was on such an even keel,'' he said. ''He was so calm in crisis, yet when he needed to be, he was fiercely loyal.''

SFC James Gyori was Andy's platoon sergeant for 18 months. ''Andy was the perfect soldier,'' he said. ''He did what you asked. He always had a smile on his face. He was never in a bad mood—always there to help everybody. He got me through some rough days over there.''

Andy's friends all love and miss him dearly. Daily, messages are left honoring him on Internet tribute Web sites. One friend from Anthony Wayne High School, Jen Stone, shared her memories of Andy on one of the sites:

> As a fellow classmate of Andy's from Anthony Wayne High, I just want to say that he will truly be missed. I was friends with Andy only a short time, but he really touched my life. He was thoughtful, caring and just a great person all around. I pray that his family will be able to remember Andy through their memories and that his precious babies are taught what a special daddy they had for the short amount of time he was on this earth. I would like to thank him for serving and protecting our country above and beyond what was expected of him. I am so proud to have known him. I will be praying for his family.

Another of Andy's friends, Tony Stephans, wrote that he wears a Hero Bracelet to honor his friend. This is what he wrote:

> I cherish the moments I get to spend with people explaining the meaning behind my Hero Bracelet memorializing the life of Andy. I proudly wear Andy's bracelet each and every day as a constant reminder to myself and everyone around me of the sacrifices

made by Andy and his family, as well as those like him, who stand in harms way so that each of us may enjoy [the] freedom and liberties we have. I will always keep Tiphany, Myles, Marlee, and all of Andy's family in my thoughts and prayers and pray that time will help to heal the feeling of loss you have all endured. Andy is still a hero and always will be.

Andy is also memorialized on the Wall of Heroes at Fort Snelling in Minnesota. The memorial features the etched faces of Army Reserve soldiers who have fallen while serving their country in Iraq. Andy's wife attended the unveiling of the memorial. During the occasion, she said that ''my husband will always be honored. Every day I will honor him.''

Andy's death has affected his entire community. Hundreds of mourners attended his memorial service to pay their respects. Family members carried Gerber daisies, a special flower to Andy and his wife, to place on his coffin. Many attendees also wore pink, because that had been Andy and Tiphany's color. Family friend Jackie Kidd-Lutzmann said the following about Andy: ''He was the only guy who could wear pink and still looked macho. He was a very, very special young man.''

At his funeral, numerous photographs from Andy's life were on display, and a particularly touching one adorned the front cover of the program. In it, Andy bends carefully over his daughter, Marlee, and together they are walking off into the distance.

It is a beautiful picture.

During the service, Andy's wife reflected upon the love she and Andy had shared. This is what she said:

I was going to write a letter, but I couldn't find the words. But, Andy taught me that actions speak louder than words. The biggest action he ever showed me was love. Because God gave Andy to me, I know what it is to be cherished.

Andy Eckert was a courageous young man—a model husband, father, son, and brother. He will always be remembered.

My wife Fran and I continue to keep his family and friends in our thoughts and prayers.

PRIVATE FIRST CLASS NICOLAS E. MESSMER

Mr. President, I rise today to pay tribute to Army PFC Nicolas E. Messmer from Gahanna, OH, who was killed when an explosive device detonated near his military vehicle in Iraq on May 8, 2005. He was just 20 years old.

He is survived by his parents Richard and Shirley Messmer, his four brothers Richard, Joseph, Dustin, and Zachary, his grandparents Ruth Ann Messmer, Martha and Clarence Lacey, and Donald Divers, and his high school sweetheart, to whom he was engaged to be married, Mary Murphy.

Nick—as family and friends called him—grew up in a very close and loving family. He was the middle child of five boys, and 1 of 70 grandchildren. Needless to say, he was extremely family-oriented—and someone with whom it was easy to get along. As his brother Joe said, ''Nick was [just] an awesome person. He was the nicest, friendliest, happiest kid you could ever know. He wouldn't hurt a fly.''

Nick graduated from Gahanna Lincoln High School in 2003 and immediately joined the Army that summer. He didn't wait. He simply knew what he wanted to do—and that was to serve. As his brother, Joe, said, ''He just went over there in [Iraq] to defend his country.''

And Nick's father said, ''Nick was the kind of soldier who makes this country great. He was just a great kid.''

Nancy Dawson, Nick's high school guidance counselor, said she wasn't surprised when Nick joined the Army. She said the following in remembrance of Nick: ''I hope they remember his heart, his enthusiasm for life, and just the neat kid that he was.''

People were just drawn to Nick. They loved his warm and friendly personality. He was just an endearing, easy-going, nice guy. At Lincoln High, his death came as a great shock, and there was a moment of silence in his memory.

Nick had many friends who will miss him dearly. Internet tribute web pages are filled with messages from those whose lives he impacted. One of his friends, Kendra Hardrick, wrote the following:

Nick, I just wanted to tell you that I miss you and all the crazy times we had together when we were younger and use to sneak out. I miss the old group. I just wanted to say that you're my hero and always will be. There is not a day that goes by that I don't think of you. I wish you could be here, and we all miss you.

While Nick had many, many friends, the one person dearest to him was his fiancée Mary. She remembers Nick as someone who was ''wonderful, funny, never angry and, always smiling.'' She said that he was very brave. I am very proud of him. His family loved him. We all did.

Mary remembers the last time she talked with Nick and how excited he was about serving his country. This, of course, is simply the kind of person Nick was—always optimistic, always looking to the future.

''We had so many plans,'' Mary recalls. She remembers how Nick sometimes wanted to buy a motorcycle, and sometimes wanted to buy a truck. ''He wanted to be a firefighter,'' she said. ''He wanted to be a cop. He wanted to have his own lawn-care service. He wanted to be so many things.'' Although we don't know what else in life he would have done, this much is certain—Nick Messmer was a brave and dedicated Marine, who gave his all in service to his country.

Those who knew Nick will never forget him. Upon his death, hundreds of friends, neighbors, and family members gathered at a memorial ceremony to pay their respects. From Gahanna Lincoln High School, alone, hundreds of students formed a line that wrapped all the way around the school, symbolizing a wall of support for Nick and his family.

On an Internet tribute Web site, Nick's old health teacher from Gahanna Lincoln, Linda Shannon, wrote her sentiments about Nick. This is what she wrote:

To the Messmer Family—I want to express my deepest sympathy to your family on the loss of your son. We hope that the expression of honor and respect from the students at the high school as they lined the school's perimeter will, in some way, help you know that Nick's service to this country is greatly appreciated.

Nick's favorite color was orange. In his memory, utility poles along the streets were decorated with orange bows and his brothers placed orange roses on his casket. During calling hours, his family members wore orange ties.

At his funeral, Nick's pastor, Reverend Paul A. Noble, held back tears as he remembered the young man who gave his life for a cause he believed in. ''In the midst of sadness,'' he said, ''we are also filled with pride and thanksgiving.''

Nick will never be forgotten by the community in which he grew up. Just last month, students at St. Matthew School in Gahanna honored Nick—along with another fallen Marine from Ohio, LCpl Ryan E. Miller. The school installed a ''peace pole'' and held a memorial prayer service. Both fallen Marines were St. Matthew church parishioners. The pole has the word ''peace'' inscribed on it in English, Spanish, Latin, Italian, German, and French. According to Principal Frances Michalec, there are 2,000 such poles throughout the world.

Brianna Ruth is an 8th grader at St. Matthew. Reflecting upon the meaning of the peace pole, she said that ''it will be really nice for Nick and Ryan. Every time you drive by, you can remember them and what they did for our country.''

I would like to conclude my remarks with a message left for Nick by his friend Nick Stephenson. He wrote the following to his friend:

There will never be enough that I could say, no matter how hard I try to describe it, bud. It's like you're now a missing link in my life. A part of me has truly left with you, Nick. Although you have so honorably departed from us to walk this cold world alone, I have gained so much from your passing. I remind myself daily of your awesome character and strive to look at life as you did—with total satisfaction of living freely with a courageous attitude toward life. I honestly believe that you not only live on in my heart, but your countrymen's hearts, as well. I salute you Nicolas E. Messmer, and look forward to that one fine day when I will see you again. My prayers are with you, Nick.

My wife Fran and I continue to keep the family of Army PFC Nicolas Messmer in our thoughts and in our prayers.

CORPORAL DANIEL FREEMAN

Mr. President, I rise today to pay tribute to an outstanding Ohioan—Army Cpl Daniel Freeman from Cincinnati. He was killed in a helicopter

crash on April 6, 2005, in Ghazni, Afghanistan. He was 20 years old.

Aboard a CH–47 Chinook helicopter with 14 other soldiers and three American contractors, Daniel was on a mission to deliver mail and supplies to the southern part of Afghanistan. He was bringing crucial aid to an area plagued by violence and insurgency. The day of the crash marked the deadliest day for the United States in Afghanistan since the fall of the Taliban.

Daniel took his time getting to Ohio, but it quickly became his home. Born in California, he then lived in Israel until he was 9 years old and his family moved to Cincinnati. Daniel grew up with a passion to serve in the military—and he certainly had the family pedigree. Both his mother Rebecca and his step-father Samuel had served in the military—she in the U.S. Air Force and he in the Israeli infantry. Samuel remembers that ''Daniel wanted to be in the Army since he was 11 or 12 years old. You know how kids talk about it. But that was his main drive.''

Daniel was also committed to his faith. He was a member of the B'Nai Tzedek congregation in Kenwood and attended Yavneh Day School. Daniel's faith shaped his commitment to helping others. It made him who he was.

As a student at Sycamore High School, Daniel jumped head first into a number of activities. He was a member of the rock climbing club, explorers club, and medics in training. He played soccer, enjoyed paintball, and had a part-time job busing tables at a local restaurant. Friends describe him as caring, sensitive, driven, and funny. As his high school counselor, Dr. Maria Sarasua said, ''He was just a remarkable, easygoing [person]. He loved the outdoors, and he saw himself in a job being outdoors.'' Daniel's step-father added, ''He liked music and the PlayStation. He was a teenager like any other teenager.''

But for all his normal teenage pursuits, Daniel still stood out. As his high school principal recalled:

> I would characterize him as sort of an adventurous kind of a kid, and he had a passion for helping people. Early on, even as a junior, he had plans to involve himself in the military. It takes a special 18-year-old to sign up in these times.

Daniel's step-father further explained Daniels desire to serve. This is what he said:

> The main thing with my son is that he's always had a strong sense of fairness and what is right and good. He truly believed in serving his country and thought everybody should do it to give back in some way.

Daniel took advantage of an Army program that allowed him to enlist a year before he finished high school. After graduating from Sycamore High in 2003, he immediately began basic training. He went through airborne school at Fort Benning, GA, and was assigned to the Red Devils—the 173rd Airborne Brigade's 1st Battalion, 508th Infantry Regiment, stationed at Camp Ederle, Italy.

As a member of the Red Devils, Daniel served four months in Iraq before beginning his service in Afghanistan. Daniel's passion and enthusiasm for his work translated into much success. Jack Kilbride, commander of the battalion's headquarters company, recalls that ''no matter how mundane, how menial, or how difficult the task, Corporal Freeman accomplished it with a smile.''

Daniel Freeman was selfless. He volunteered to replace one of the soldiers who was supposed to be aboard that helicopter on the day that he died. Daniel's comrade had been working without sleep and needed relief. Daniel was there to give it. This is simply what he had always done.

Friends and family remember Daniel and celebrate his life. Staff members at Sycamore High wore American flag ties and U.S. Army lanyards to remember Daniel. When he died, school officials at Sycamore lowered the flag to halfstaff for Daniel, and the school observed a moment of silence before classes began. Daniel's picture is still displayed in a case that honors former students serving in the military.

Daniel's former English teacher, Liz Gonda, captured the sentiments of so many, saying simply, ''He knew what he wanted to do in life. He made a difference in the world by his presence and will be greatly missed.''

Funeral services were held on April 20, 2005, in Cincinnati. Shiva was observed in his family's home. Daniel's mother planned on taking her son's ashes to Israel, where they would be returned to the earth for all time. Additionally, a memorial fund has been set up in Daniel's name, as his family has said, ''we want to celebrate his life more than mourn it.''

Daniel's mother was kind enough to share with me one of her email exchanges with her son as he arrived in Afghanistan in February. In his email, Daniel talked about some of the lessons he had learned in the Army and how much he had grown. This is what he wrote:

> I've learned that my mind can be my [ally] as well as my enemy, and I'm constantly fighting it . . . you'll be amazed at how your mind will set limits, but how far your body will go.

Daniel goes on to explain to his mother his reasons for serving:

> We don't fight for glory, we fight for those men, whom we've bonded with, spent countless hours with, and suffered with. I fight for them, for their wives, for their parents. My biggest fear is not my death, it's the death of those whose parents and wives I'll have to see suffer. That's why I fight, that's what makes me a soldier, that's why I don't question why I go to war. I accept it, clear my head, and get my priorities straight. I want you to know that I love you and will see you in a year from now.

Daniel Freeman was a very insightful, thoughtful young man. He understood the simple, but powerful truths of love and service to others. He will never be forgotten.

My wife Fran and I keep all of Daniel's family and friends in our prayers.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

The Senator from Ohio is recognized.

Mr. DEWINE. I thank the Chair. And I thank the Chair for his patience.

SERGEANT JUSTIN HOFFMAN

Mr. President, I rise this evening to pay tribute to a fellow Ohioan—Marine Sgt Justin Hoffman from Delaware. On August 3, 2005, Sergeant Hoffman died when a roadside bomb detonated under his military vehicle in Iraq. He was serving with Lima Company, 3rd Battalion, 25th Marine Regiment. Sergeant Hoffman leaves his father Robert, mother and step-father Carole and Chuck and younger brothers Tyler and Travis. Justin was 27 year old at the time of his death.

Growing up, Justin's father remembers that his son came to love motorcycles, cars, and anything competitive. He was smart, funny, and dedicated.

His friends and loved ones remember that he had one of the biggest hearts they had ever known. His smile and laughter will always be remembered. He was fun loving, but would also jump to be there for anyone who needed him.

Those who knew Justin remember that he loved to talk about pretty much anything—whether it was politics, cars, women, or his personal dedication to serving his country. And that is something that everyone remembers about Justin Hoffman—he was always proud to be serving our Nation in the Marines Corps.

Justin graduated from Worthington Christian High School in 1995 and then attended the Ohio State University. Before his junior year of college, he had joined the Marine Reserves. Justin's father had also served in the Marines and remembers how proud he was of his son's decision.

Justin's mother Carole recalls that he joined the Marines not only because he wanted to follow family tradition, but because he had ''wanted some discipline in his life.'' She said that she saw a change in Justin after he completed his military training as a marine sharpshooter.

''He was a good Marine,'' she said.

After graduating from Ohio State, Justin began working with information systems at Cardinal Health Center in Columbus. His dad recalls that his son's intelligence qualified him for the job, but that he was also big and strong and needed an outlet for his excess energy. Karen DePoy worked with Justin at Cardinal Health Center and remembers how smart he was. She wrote the following message on an Internet tribute Web site:

> It seems like just yesterday that I was getting this super sharp intern to work with. What a terrific young kid, I thought, as we

discussed everything from personal investments to keeping the faith during rough times.

Josh Busic also worked with Justin. This is what he wrote about his friend:

He was one of the reasons I looked forward to coming into work every day. There was never a boring day with him at work. Whether it was one of his stories of someone he raced in his car, some [silly] clip on the Internet he wanted all of us to see, some argument on politics (there were a lot of those) . . . him telling a story about one his brothers (whom he talked about quite a bit), or just him ragging on us about something that only he would think of—Justin was a good friend and my only regret is that I didn't know him longer than I did.

More than anything, Justin was a dedicated person. He was dedicated to his family, his job, and his marines. After 7 years of serving in the Reserves, he re-enlisted in 2004. His mother remembers that Justin's reason for re-enlisting was because of the men he trained with. ''He wanted to be their leader,'' she said.

Justin brother Tyler echoed these sentiments, when he said that ''Justin told me that he couldn't let them—[his Marines]—go alone because he loved his men so much. He considered his whole squad to be brothers.

Justin loved his fellow marines, and he loved his family. He was exceptionally close to his brothers, Tyler and Travis. Their parents would never let them fight while growing up, and Tyler remembers how protective Justin was of him. In Tyler words, Justin was a great brother, and more than that, he was a great friend.

Justin's brother Travis remembers that the three of them were ''inseparable.'' Justin was the best man in his wedding. It is a memory he will always cherish. He remembers that his brother could always make him laugh.

During his 27 years, Justin had also found the love of his life—his girlfriend, Teri Price. The two planned to get married one day, and Teri remembers that Justin would tease her about proposing as soon as he stepped off the plane on his way back from Iraq.

Teri recalls how much she loved Justin's smile and how ''he could always make me laugh and [how] he was always joking. I loved him more than anything.''

Teri—who knew Justin as ''Fen,'' short for his middle name of Fenton—left him the following message on the Internet tribute website:

Fen, there aren't words deep enough to express how I feel about you. I love you more than anything and was looking forward to spending the rest of our lives together. You are the most generous, selfless, kind, amazing, funny, thoughtful person I know. I am so proud of you, and I am honored to have been a part of your life. You made every day a happier day.

Family was so important to Justin. While in Iraq, he always kept in contact with his mother. He would e-mail, write, and call on a regular basis. His mom Carole remembers how Justin always wanted to hear about how things were at home. ''Justin loved Eagle Pizza and wanted to hear about the tree that needed uprooting in the yard,'' she said. ''Justin just spoke the truth.''

Justin's father remembers the last conversation he had with his son. It was after Justin's close friend—fellow Ohio Marine Cpl Andre Williams—had been killed in Iraq. Justin reassured his father that there was nothing he needed, and then said good-bye with the following words: I love you, Dad.

Mr. President, Marine Sgt Justin Hoffman lived a life that was honorable and heroic. He was a devoted son, brother, and boyfriend. Everyday, he is dearly missed by his family, friends, and loved ones.

My wife Fran and I will continue to keep his family in our thoughts and in our prayers.

LANCE CORPORAL BRYAN N. TAYLOR

Mr. President, this evening, I rise to pay tribute to a brave marine from Milford, OH. LCpl Bryan Taylor, who was killed in Iraq on April 6, 2006, after he had been there for just 5 weeks. Bryan is survived by his parents Rick and Sherri Taylor, and his younger brother Matthew. He was just 20 years old at the time of his death.

A 2004 graduate of Milford High School, Bryan had a strong interest in computers and technology. He also attended Live Oaks Career Development Center, where he studied computer-assisted drafting during his last 2 years of high school. According to those close to him, Bryan ''knew no strangers and had no enemies.'' One of his favorite things to do was simply sit around and talk about good memories with his friends.

While reflecting on their memories of Bryan, his friends stressed his unceasing loyalty. Bryan's friend John Legleu said that ''people who didn't even know Bryan that well are calling to tell me what he meant to them. He had a way of finding things in common, and he always found the good in people.''

Friend Stacey Flick, added:

Bryan strived to make sure he was there for his friends no matter what.

In fact, friends say it was the camaraderie of the Marine Corps that led Bryan to enlist.

As his friend James Wallace said:

Bryan was pretty much everything you want in a friend. . . . He had such a big influence on the people he knew.

Those who knew Bryan also remember his compassion and his willingness to listen. As his friend John said:

I would always seek advice from [Bryan]. Even though I was older, I would always get his opinion. He was mature beyond his years.

Bruce Wallace, the father of Bryan's best friend James, shared the following story about Bryan. This is what he said:

I'd come home from work and Bryan would be sitting in the living room, watching TV alone, waiting for Jamie. I'd ask him if he was hungry. He'd say, 'No, I already ate,' and I'd go into the kitchen and see an empty cereal bowl in the sink! He was the only person who could get away with this because he was truly my second son. He wasn't like any of us. He was so exceptional.

After enlisting in 2005, Bryan quickly made friends among his fellow marines. PVT Adam Michaels met Bryan during their training and shared this story about him:

Bryan was a great guy, and we had a lot of good times. I hung out with him before he left [for Iraq], and he always had a great presence. I remember watching Bengals games with him even though I am a huge Packers fan! He was as great as they come.

Bryan lived life fully and left a lasting impression on his friends, family, and community. After his death, Miami Township named the football field at Miami Meadows Park, where Bryan used to played Pee Wee football, in his honor.

Additionally, Clermont County held a ''Celebration of Life'' in tribute to Bryan. This celebration included a balloon launch of 60 red, white, and blue balloons, each filled with a note from Bryan's family and friends. Bryan's family also received an outpouring of support from many other families of fallen servicemembers, which has meant so very much to them.

In talking about the loss of servicemembers, GEN George S. Patton—who I know is a favorite of the Presiding Officer—once said that we should not mourn those who die on the field of battle. ''Rather,'' he said, ''we should thank God that such men lived.''

Indeed, Mr. President, while we mourn, we do thank God that Bryan Taylor lived. He was a good son, brother, friend, and marine. Everyone who knew him loved him.

In December 2005, Bryan visited his old high school dressed in his marine uniform. He came to say goodbye to his former teachers before leaving to serve in Iraq. According to those at the high school, he was very proud to be a marine and visited frequently to keep in touch with his favorite teachers. Milford High School Assistant Principal Mark Lutz shared the following story about his final visit with Bryan:

Bryan had a young person's bravado. . . . Bryan was an excellent young man. He was always looking for a new challenge. . . . I think the Marines gave him a sense of direction.

Assistant Principal Lutz also remembers the pride with which Bryan served. This is what he said:

Bryan was very proud of his decision to serve in the Marines, which he credited with giving him direction and helping him become an adult. He was looking forward to returning to his unit to prepare for his tour of duty in Iraq.

In describing his role in the military, Bryan, himself, wrote the following paragraph shortly before he died:

I am a Marine. . . . I am proud of what I do and to serve the country that I do. We are here for you and your families. We are the ones who are willing to give our lives to make your life easier and safer. . . . I have seen a lot of good men lose their lives because of what our beliefs are. I honor these men every day.

Indeed, Mr. President, we all must honor these brave souls—and Marine LCpl Bryan Taylor is one of them. He will be remembered as a wonderful young man, a loyal friend, and a proud marine. My wife Fran and I continue to keep his family in our thoughts and in our prayers.

STAFF SERGEANT JASON A. BENFORD

Mr. President, this evening, I rise to honor the life of Army SSG Jason A. Benford from Toledo, OH. On September 27, 2005, SSG Benford died when insurgents attacked his patrol with small-arms fire in Ramadi, Iraq. He was 30 years of age at the time.

Staff Sergeant Benford was a devoted family man—the husband of Kimberly and the father of two young sons, Lane and Jacob. He is also survived by his parents George and Linda Benford, his sisters Kimberly and Lori, his brother John, his grandparents Robert and Deloris, and numerous nieces and nephews.

Jason truly was an excellent serviceman—the epitome of what a professional soldier should be. He was also a man who cared deeply for family and friends. His personal integrity and his devotion to duty were unmatched, and he consistently set high standards for himself.

Jason was born on June 8, 1975. A 1993 graduate of Bowsher High School, he attended the University of Toledo before enlisting in the Army in 1994. He originally enlisted for 3 years, as a ''learning and growing'' experience. But it turned out that the Army was Jason's true calling, and he re-enlisted once his initial service was complete. According to his step-mother, Jason was planning to make the Army his career.

After graduating from Basic and Advanced Individual Training, Jason served in the Republic of Korea before being assigned to Fort Benning, GA, where he served as team leader and senior gunner. In Georgia, Jason found more to keep him busy than simply being an excellent soldier. It was at this time that he met and married Kimberly, the love of his life, whose hometown was near Fort Benning.

''My mother had told me not to date soldiers,'' Kim remembers. ''But I did—and I married him.'' Shortly after being married in January 1998, Jason was transferred to Vilseck, Germany, where he and Kim remained for 3 years before returning to Georgia.

Jason loved his wife dearly, but he also loved his Ohio State University football, and on January 3, 2003, which was both his wedding anniversary and the night of the Buckeyes' legendary NCAA championship game against Miami, he had to make a choice. The decision, however, was easy. Lucky for him, Kim ate quickly, and the game went into overtime. ''He took me out to dinner,'' Kim laughed, ''but he was looking at his watch the whole time. He lived in Georgia, but he was always a Buckeye.''

In July 2005, Jason was able to spend Independence Day with his family while on a 2-week leave. It was a time in which many memories were made. ''We spent time in Panama City, went to a Braves game in Atlanta, and had fun at Whitewater,'' Kim remembers. ''It was a great time to be together—just the family.''

Kim remembers that her husband was a calm, even-tempered man who did not easily lose his cool. ''He's always been a special, special person, so even-toned,'' she said. ''He'd handle all types of situations and not even break a sweat. That was one of the things we appreciated so much, [and] I know the soldiers did too.''

Those who served with Jason also remember his calm demeanor and his optimistic nature. CPT Brian Mehan left his friend the following message on an Internet tribute website in memory of Jason:

> Staff Sergeant Benford and I served together. His levity and friendly demeanor made even the hard times more bearable. The world will be a lesser place without him.

Those who knew Jason have rallied around his family in support. Stacey Jarzeboski, from Toledo, left his parents and family the following message on that Internet tribute website:

> I am so sorry to hear of your loss. My sisters (Becky & Kim) and I were childhood friends of John and Jason. I can remember how full of life [they] were together. I'm sorry that he was taken from you.

Nothing was more important to Jason than his family, and he talked to Kim as often as possible while in Iraq. According the Kim, they sent instant messages to each other twice a day and talked on the phone regularly while he was stationed there. After he was sent to Ramadi, however, Jason was only able to call once—the day before he died.

Jason was completing his second tour of duty in Iraq when he was killed. His service to our Nation earned him more medals than I can name here, but they include the Bronze Star Medal, the Purple Heart, the Army Commendation Medal, (1 Oak Leaf Cluster), and the Army Achievement Medal, (6 Oak Leaf Clusters).

Mr. President and Members of the Senate, Army SSG Jason Benford was devoted both to the Army and to his country. But most importantly, Jason was a loving husband, father, and son—someone for whom family came first. He loved simply spending time with his family, and sharing his love of sports with his two sons.

Mr. President, my wife Fran and I will continue to keep Jason and his family in our thoughts and in our prayers.

LANCE CORPORAL DUSTIN ROBERT FITZGERALD

Mr. President, I rise tonight to pay tribute to Marine LCpl Dustin Robert Fitzgerald from Huber Heights, OH. On August 18, 2004, Lance Corporal Fitzgerald was killed in a vehicle accident in the Al Anbar Province of Iraq. He was 22 years old. He is survived by his parents Michael and Melody Fitzgerald, and his brothers Brandon and Shannon.

Ever since he was a small boy, Dusty—as he was known by family and friends—knew that he wanted to serve his country and help his fellow citizens. While attending Wayne High School, he enrolled in the school's Junior ROTC program.

Initially, Dusty wanted to be a pilot in the Air Force. However, he came home one day and told his mother that he instead wanted to be a marine. At such a young age, Dusty knew exactly what he wanted to do. He was determined and took steps to pursue his dream.

Dusty simply loved ROTC. ''He gave his all,'' his mother recalled. ''He enjoyed it so much and took it very seriously.'' Dusty participated in the Junior ROTC program for 3 years.

During this time, Dusty made many friends. The other young students in Junior ROTC respected him and enjoyed his company. They found him to be sincere person—someone with a good sense of humor. One of Dusty's many friends, Brenna Downs, wrote the following in a posting on an Internet tribute to Dusty:

> When I heard about what happened to Dusty, I was immediately taken back to junior high and early high school, when he used to hang out with all of us. He definitely stood out in our group with his sense of humor. He was genuine. Years after I knew him, I still remember how he made us all laugh. He was a good guy and will be remembered and missed by his old friends.

Dusty and his friends enjoyed baseball, basketball and wrestling while they were in high school. Dusty's friends were drawn to him for the same reasons his peers at Junior ROTC were drawn to him. His mother said that Dusty ''was very adventurous. [He had a] wonderful sense of humor. [He was] easy-going. He never had an enemy.''

In addition to sports, Dusty was crazy for cars. ''When Dustin wasn't fighting in wars, he loved souping up cars,'' his mother recalled. In high school, Dustin fixed up a 1996 Dodge Stratus, outfitting it with racing tires and a spoiler. And just 4 months before he entered the Marines, he bought his dream car—a 1997 Mitsubishi Eclipse. He spent hours fixing it up. While he was stationed in the Middle East, Dusty would ask his mother to buy car accessories so he would have them when he got home.

After graduating from Wayne High School in 2000, Dusty began taking steps to fulfill his dream of becoming a marine. When he left for boot camp, his family was extraordinarily proud of him. Melody said of her son, ''Dusty was proud, too. You [could] look into his eyes and see his pride.''

After boot camp, Dusty's life moved quickly. He was assigned to Battalion Landing Team 1–2 with the 24th Marine Expeditionary Unit out of Camp Lejeune, NC. In January 2003, Dusty and his unit headed overseas on the U.S.S. Gunston Hall. His family missed him tremendously, but they knew he was doing the right thing—that he was doing what he believed in.

Dusty was dearly loved and respected by all. SSG B. Coomer said that being a marine was in Dustin's blood even before he enlisted. He left Dustin's family the following message on the Internet tribute Web site:

I am terribly sorry to hear about Dusty. We graduated the same year, and we were in Sea Cadets together. At the time, I was the Cadet leader when I met him. He was a Marine long before he entered Marine basic training.

I know that he was one of the most well disciplined cadets in our unit. He always listened very well and took whatever task we had to accomplish very seriously whether it was Kung Fu training, drill, or running the obstacle course. He loved the movie, 'Full Metal Jacket' and often, we would joke around with him telling him that he looked like the main character. He would quietly laugh and [imitate that] character.

I am thankful to have known him and to have served with him. As I have said, he was a Marine long before he ever entered basic training, and he will never be forgotten as a friend, Marine, and fellow Sea Cadet.

During a memorial service in Dusty's honor, family, friends and neighbors all gathered to pay their respects. They released blue balloons in his honor.

Dusty be remembered by everyone he met. Christina Benn, who met Dusty in North Carolina, recalls her first meeting with him. This is what she said:

My daughters Alyssa and Lauren and I reside in Greenville, North Carolina, where I had the pleasure of meeting . . . Dustin. He was a very loving and compassionate Marine, who came into our lives and brought us happiness. Our hearts go out to the Fitzgerald family for life. We will keep you and your precious loving son in our prayers, and may God help guide you through these trying times.

The world is a better place since Marine LCpl Dustin Fitzgerald has been in it. He had a glowing smile, a fine sense of humor, a big heart, and a tremendous sense of dedication to his family, community, and country.

My wife Fran and I continue to keep Dustin's family in our thoughts and in our prayers.

SERGEANT JAMES WORSTER

Mr. President, I rise tonight to remember a fallen servicemember—SGT James Worster, from Broadview Heights, OH. Sergeant Worster was serving as a medic with the Army's 10th Command Support Hospital in Baghdad, when he died of cardiac arrest on September 18, 2006. He is survived by his wife Brandy, his young son Trevor, his mother and stepfather Donna and Burleigh Thornton, his brothers Jack and Josh, and his sister Joy. He was just 24 years old.

James Worster was a dedicated and compassionate young man who responded to a pair of tragic events by finding a way to serve his country and help those in need. After his father Richard died from a medical condition in 2000, James was inspired to become a doctor. He simply decided that he wanted to help others.

One year later, James was studying at Cleveland State University when the terrorists attacked the United States on September 11, 2001. The attacks had a profound impact on James and compelled him to enlist in the Army. He had a strong desire to help prevent other such attacks from happening on our homeland. By becoming a medic in the Army, he was able to both honor his father and serve our Nation.

James was born in Fargo, ND, on March 30, 1982. He moved to Alaska when he was 7 and attended middle school and high school in the city of North Pole. Those who knew James describe him as a very focused student, who had a great work ethic. MAJ Jim Alonzo, who guided James through his high school Junior Reserve Officers' Training Corps program, called him ''a shining star'' who was ''always there.''

These were the very words Major Alonzo used when recommending James for an internship with the National Park Service after James's sophomore year of high school. Although the Park Service told Major Alonzo that they normally didn't hire interns as young as James, he was selected and spent the summers after his sophomore and junior years of high school working at Yellowstone National Park. This is the kind of impressive young man he was.

While serving in the ROTC program in high school, James met Brandy Kusinski. He fell in love. After graduating from North Pole High School in 2000, James joined Brandy, then his fiancée, at Cleveland State University. The two were married on October 13, 2002, and they celebrated the birth of their son Trevor 2 years later.

James felt a strong bond with children, both here at home and in Iraq. According to his mother, James's son Trevor ''was the light of his life.'' Donna said that her son ''hoped someday the country would be safe for his son and all people's [children].''

This caring nature was evident in James's work at the 10th Combat Support Hospital in Baghdad, where he treated children who had been shot. His mother Donna said, ''He was glad he was there for them, and he was glad he was there for his soldiers.''

James's work with soldiers and civilians, especially children, served as practice for what he hoped would be a medical career when he returned from Iraq. In Iraq, he performed a range of procedures that would prepare him procedures ranging from setting bones to even delivering babies.

Those who met James were always impressed by his compassion and consideration. Cesar Gonzalez served in the 10th Combat Support Hospital alongside James. According to Cesar, James was one of the kindest persons in the hospital. He said that James would always ask him how he was doing and that he would always put the needs of others above his own. As James's mother said, he just ''loved people, and he [in turn] was loved by a lot of people.''

James's family remembers him as someone who cared deeply about others and pursued his dreams with a smile on his face. In a written statement, his family spoke of this compassion and desire to help those around him. This is what they wrote:

[James] had a very strong faith in God and a very strong love of country. James lived life to the fullest, raising his son and being a wonderful son, himself. Pursuing his dreams took him to the Army, where he learned to save lives and truly believed he was making a difference. His beautiful smile and endearing personality brightened any day, and . . . he was a beacon of light and will forever be remembered and loved.

While on leave, James was active in the Mustang Club in Colorado, an organization devoted to the preservation and appreciation of Mustang cars. James not only appreciated classic cars, he loved to race them.

It was through racing that James met many friends, including Brandy from Colorado. According to Brandy, racing on the track simply isn't the same without James. She wrote the following on an Internet tribute Web site in James's memory:

He was one of the greatest people I've ever met. I'm sorry for all those who didn't have a chance to meet him. He brought so much to everyone he met. It was just amazing to see someone with that much compassion and heart.

Also posted on that same Internet tribute website, is a message from Vicki Gleisner, whom James knew as ''Aunt Vicki.'' This is what she wrote:

From the first day I met James, I knew he was a very confident, gentle young man. Even though I think he was only 5 at the time, he wasn't a little boy. He was always protecting his mom. I guess that when he was satisfied that his mom was taken care of, he decided to take care of the rest of us. James always had a very respectful way about him, and he always made me feel important. Thank you for letting me be a part of your life, James, and for leaving your smile in my heart, so I can remember your gentleness.

James was a young man who truly understood the importance of service to others—his family, his friends, and our Nation. He was a devoted husband, father, son, and brother. His life was one filled with, and he made a positive impact on everyone whom he met. My wife Fran and I will continue to keep SGT James Worster's family and friends in our thoughts and prayers.

CAPTAIN TYLER SWISHER

Mr. President, I rise tonight to honor and to remember a fellow Ohioan—Marine Captain Tyler B. Swisher from Cincinnati, OH. On October 21, 2005, CPT Swisher was killed when his vehicle was struck by an improvised explosive device while conducting combat operations against enemy forces in Iraq. He was 35 years-old.

Tyler was the type of person who simply never gave up. He always sought out new challenges. At the time of his death, he was serving his third tour of duty in Iraq—and was looking forward to serving two more. This is typical of his dedication and determination to succeed.

In high school, Tyler proved himself academically, by spending hours studying his books and lessons. His hard work paid off, when he made the honor roll during his senior year—an accomplishment for which he was very proud. After high school, Tyler went on to Butler University, where he graduated with a degree in biology in 1993.

And then, Tyler set his sights on the Marines. A longtime friend of the Swisher family, Jack Buckholz, remembers that Tyler attacked the challenges of boot camp with the same ferocity and determination that he had displayed with everything he did. He spent 6 months training on his own to make sure he was prepared. He ran several miles a day and worked construction to strengthen his muscles. ''He had a rope that he would climb every day,'' Jack Buchholz remembers. ''After that, boot camp was not so bad [at all].''

Tyler entered the Marines as an enlisted man and then worked his way up to Officer's Commission in 1997 and eventually became on to being a company commander for the 2nd Battalion, 2nd Marine Regiment, based in Camp Lejeune, NC. When he died in Iraq, 200 Marines were under his command.

Tyler died doing what all Marine officers aspire to do—[and that is] lead Marines in combat,'' said Captain Gary McCullar, one of Tyler's best friends. ''Tyler never faltered. Tyler did it right.

Tyler sought out challenges that most people would shy away from—challenges like training for mountain warfare in Korea, which involved steep climbing, rocky slopes, and living outdoors in harsh elements. ''It was miserable,'' Captain McCullar remembered. ''[And,] he loved it.''

Tyler always pushed himself beyond all expectations and always gave his best—whether it was for himself, his school, or his country.

Tyler was a dedicated and hard-working Marine, but he was also a selfless person, who always placed the needs of family, friends, Marines, and Nation above his own. But, most important to him were his wife Stephanie and their three children: Ashleigh, Madison, and Jacob. Stephanie's brother Peter Lynch remembers that Tyler was a devoted father and a committed husband. For Stephanie, he was consistently a source of strength. No matter how bad a day she was having, he was always able to get a burst of laughter out of her.

And Tyler's daughter Ashleigh left him the following message on an Internet tribute Web site:

Tyler Swisher, my Dad, was an amazing man. He was more than a Dad to me . . . he was my hero. He gave me the strength to face many hardships in my life, and he was always there for me. He was the best father anybody could ask for. He's my inspiration everyday to live life. . . . I will never stop missing him. I'm so proud of you Daddy, thanks so much for being my hero, and protecting us all. With love, Ashleigh.

Todd Smith was one of Tyler's boyhood buddies. At Tyler's funeral, he addressed the following words to his friend:

I remember sitting in the [movie theater], watching 'The Empire Strikes Back' all day long. You were always there for me more than I was there for you. I could count on you to tell me right from wrong. I could count on you to stick up for me, and you taught me to stick up for myself. I've always looked up to you and can't begin to say how proud I am of you. You made the ultimate sacrifice for your country, and you are truly a hero. I am lucky and blessed you were part of my life.

Tyler's fellow Marines in Iraq felt the same respect and admiration for Tyler as his family and friends did back home. Doug Miorandi from Phoenix, AZ, expressed his respect for his friend and fellow serviceman on an Internet tribute Web site. This is what he wrote:

I was fortunate enough to have served with Tyler and feel honored to call him my friend. Tyler and I were roommates for over two years, serving at both Marine Barracks Washington, D.C., and the Presidential Retreat at Camp David. From being a 'spit and polished' Presidential Security Guard to a hard charging Marine grunt, Tyler epitomized the word 'Marine.' I'll never forget our time together, and I feel fortunate to have been a part of your life.

CPT Tyler Swisher was buried a hero at Arlington National Cemetery, and I am honored that I had the opportunity to attend the funeral services in Ohio for this fine marine. The streets were lined with family, friends and fellow servicemen and women who had come to honor him. Everyone I spoke to that sunny November day had the same thing to say—Tyler Swisher had loved being a marine, and he loved what he was doing.

I would like to conclude with the words of Tyler's dear friend, CPT Gary McCullar, who was Tyler's military escort on his final journey home. In a letter to the Cincinnati Post thanking the community and citizens for the respect and honor they showed to Tyler and his family, he wrote the following:

Captain Swisher epitomized the meaning of the Marines. He was a leader, he was tough, he was the best that this country has to offer, but most importantly he was a man who loved his wife and children and enjoyed spending every minute he could with them. Captain Swisher was also the best friend I ever had. I am very proud of how the City honored my friend.

Indeed the world is a better place because of Tyler Swisher. My wife Fran and I will continue to keep his family—his wife Stephanie and their three children Ashleigh, Madison, and Jacob, his parents David and Mary Beth Swisher, and his siblings John and Sara—in our thoughts and in our prayers.

I thank the Chair very much this evening. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HONORING SENATORIAL SERVICE

BILL FRIST

Mr. HATCH. Mr. President, it is with great pleasure that today I honor our distinguished majority leader, Senator BILL FRIST. After serving with BILL for the last 12 years, I have come to know that he is a fine leader, an accomplished physician and a wonderful person. He is a man of compassion and conviction who has served our Country and this body well.

It is only fitting that the majority leader of the U.S. Senate be a person who has dedicated his life to serving others.

We all know of BILL's remarkable service to people around the world as a transplant surgeon for over 20 years. We have applauded him on several occasions as he has embarked on pilgrimages to help bring needed medical expertise to impoverished countries. We have seen him fight to secure over $15 billion in Federal funding to fight the spread of HIV/AIDS in Africa. We have marveled at his dedication to serving the people of Tennessee. And time and again, we have witnessed him here on the floor of the U.S. Senate in the middle of the night conducting the people's business and ensuring the legacy of the Senate continues in the most professional manner.

I hope everyone understands what a sacrifice it is to take on leadership duties here in Washington. The Federal Government never sleeps. When elected representatives come to Washington, they bring with them the hopes, dreams, and aspirations of each one of their constituents. Those who take this responsibility seriously spend every waking moment addressing concerns and working for the people they represent. That is quite a responsibility to bear. When you add to that responsibility the duties of being a leader and looking out for the interests of those you lead, the duties are immense and the sleepless nights really start to mount. I, for one, am grateful for BILL's exemplary service and willingness to spend his life looking out for the interests of others.

Over the last 4 years, as BILL has been majority leader, I have had several occasions to seek him out and ask for his advice and counsel. In every instance, he has made himself available. There have been times when I have been working on issues of great importance to the citizens of Utah until 1, 2, or even 3 in the morning and, even though the items we were working on did not impact BILL or his constituents, he and his staff were gracious enough to stay up and work with me. For that I am grateful.

As a highly trained physician, BILL has changed the way the Senate approaches health care policy. As a member of the Senate Health, Education, Labor, and Pensions Committee and the Senate Finance Committee, two committees with jurisdiction over health care issues, BILL has used his insight and training to shape and move

legislation which greatly improves the health of Americans and the health care system in general. His skill as a physician has greatly improved the knowledge of this body and has made the lives of countless people better.

Tennessee's storied history of capable Senators is long and includes such names as Andrew Jackson, Andrew Johnson, Howard Baker, and, my good friend, Fred Thompson. These men represented the best of what America has to offer, and BILL FRIST has done much to add to this great legacy. As majority leader, BILL has shepherded through some very important legislation, including the Medicare prescription drug benefit legislation, scores and scores of tax cut legislation for the American people, legislation to reduce health care disparities among races, legislation to make health care more affordable and accessible, legislation to bolster America's defenses against bioterrorism, legislation to reduce childhood obesity, legislation to prevent childhood vaccine shortages, and legislation fighting drug abuse.

BILL's willingness to support Federal funding for stem cell research this year made a huge difference in the national debate. I truly appreciated BILL's support earlier this year to pass legislation that would make more embryonic stem cell lines available for Federal funding. Stem cell research is one of the most important issues we face today. Stem cell research gives hope to millions of people who have none. More than 100 million Americans suffer from heart disease, cancer, diabetes, Alzheimer's, Parkinson's, multiple sclerosis, and so many other life-threatening and life-debilitating diseases. Thanks to BILL's support, on July 18 of this year, the Senate passed H.R. 810, the Stem Cell Research Enhancement Act, by a vote of 63 to 37. H.R. 810 would have allowed Federal funding for stem cell research using stem cell lines derived under strict ethical requirements from excess in vitro fertilization embryos, regardless of the date they were derived. I am grateful to BILL for taking such a bold and courageous stand on this issue for those suffering from these dreaded diseases and who will be helped by this research.

In closing, BILL is a consummate family man who cherishes family and the values family represents. He has been married to his wife Karyn for 22 years and, even as majority leader of the U.S. Senate, he has always made time for his three sons: Harrison, Jonathan, and Bryan.

There is no doubt BILL will be successful in any endeavor he undertakes as he leaves this great body. He has proven himself time and again and there is no question in my mind, he will be successful in the future.

Mr. President, I appreciate the efforts and service of our good majority leader, BILL FRIST. He is a great man, a great patriot, and a great friend, and I wish him well in his future endeavors.

Mr. KENNEDY. Mr. President, I welcome this opportunity to commend our colleague MARK DAYTON, the Senator from Minnesota, for his distinguished service in the Senate and for his commitment to helping our country live up to its highest ideals at home and abroad.

MARK's life has been about service to others. Whether as a teacher in the bowery of New York, a counselor to troubled teens in Boston, an aide to our beloved Fritz Mondale, or State economic development leader working to bring quality jobs to his constituents, or a Senator, MARK DAYTON has consistently answered the call of public service throughout his long and outstanding career.

He has been a champion of the right to quality and affordable health care for all Americans, and I know how frustrated he has often been by our inability to make greater progress on this critical domestic issue. Sadly, it will be harder to get there without him, but I am optimistic that we will still be able to accomplish it, and I have no doubt that MARK will continue with his commitment and compassion to help lead the charge from outside the Senate.

As a Senator, he had an indispensable role in our effort to expand the availability of prescription drugs. His heart went out to the senior citizens in Minnesota whose only hope to afford the drugs they desperately needed was to cross the border into Canada. Fortunately, in its effort to build a legal fence to keep them out, the drug industry more than met its match in Senator MARK DAYTON. Even my constituents in Massachusetts loved MARK, as they boarded buses from Boston to Minnesota to catch the lifesaving bus to Canada and get their medicine.

MARK also has had the courage to stand against the administration when it launched the tragic and misguided war in Iraq.

He never wavered in the Senate from what he believed was right, and we will all miss the skill and eloquence, the decency, honor, and generosity he brought to our Senate debates.

We regret very much that he won't be here with us in the debates ahead, and we wish him well. Perhaps he will be able to make that Arctic trek to the North Pole that he had to put on hold when he came to the Senate 6 years ago. But I know that whatever new course he chooses, he will continue to be a strong and vital voice in improving the lives of others.

As Robert Kennedy said, ''Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.''

Throughout his brilliant career, MARK DAYTON has sent forth many ripples of hope, and I'm certain he'll send forth many more in the years ahead. We'll miss you, MARK.

SENATOR DAYTON

Mr. CONRAD. Mr. President, today I wish to pay tribute to a retiring colleague, Senator DAYTON of Minnesota.

MARK DAYTON has made a career of public service, in the very best sense of the term. After graduating from college, he taught public school in New York City and served as a counselor to teenage runaways before returning to Minnesota. For 20 years, he served in a variety of positions in State government in Minnesota, from commissioner of Economic Development to State auditor.

In the Senate, MARK DAYTON has been an independent voice in the tradition of our former colleague, Paul Wellstone. He eschewed political expediency and instead relied on his conscience in making important decisions. For example, he agonized over his vote on the Iraq war, before ultimately deciding to join the small minority of Senators who voted against it.

I have worked most closely with MARK on agriculture and other issues affecting rural Americans. Trhoughout his Senate service, he has been a strong and consistent voice on behalf of family farmers. He has helped lead the fight for much needed disaster relief. He has opposed misguided cuts to commodity and conservation programs. And he has been a leader in calling for a significant expansion of ethanol and other renewable fuels that can benefit our rural economies and reduce our dependence on foreign oil.

Senator DAYTON has also been a strong voice on behalf of our troops and their families at home. He has called for better armor and equipment. He has insisted on better care for veterans. And he spearheaded efforts to ensure that soldiers on leave could get all the way home to visit their loved ones rather than simply being dropped off at remote cities and asked to pay last-minute air fares to get home.

MARK DAYTON has insisted on integrity and honesty in every aspect of his public life. He has been a true champion for Minnesota. Lucy and I wish him well as he goes on to other ventures.

LINCOLN CHAFEE

Mr. President, I would like to pay tribute to Senator LINCOLN CHAFEE. Senator CHAFEE has served the people of Rhode Island well. He has distinguished himself in a number of important policy areas, including strengthening environmental protections and strengthening our national security.

I most appreciated his efforts to promote fiscal responsibility. Senator CHAFEE has been steadfastly committed to sound government budget policies. While he supported easing tax burdens for families by ending the marriage tax penalty and increasing the child tax credit, he had the courage to oppose irresponsible, budget-busting measures that, while politically popular, have resulted in huge fiscal deficits and an unsustainable increase in the Federal debt.

Senator CHAFEE has also been an unwavering supporter of reinstating pay-as-you-go constraints on the Federal budget first implemented by President Bush's father in 1990. Under those rules, any tax cut or increase in Government spending must be accompanied by an equal spending cut or revenue increase.

I also appreciated Senator CHAFEE's commitment to bipartisanship. He understands that reaching across the aisle and working together more often than not results in better decisions and better, longer lasting policy solutions. His efforts were not always appreciated by those in charge over the last couple of years. But those of us who worked closely with him know his commitment is genuine and his word is good.

I was pleased to welcome Senator CHAFEE to the Senate in 1999 when he was appointed to fill the seat of his late father. I had the pleasure of working often with John Chafee. We were both members of the Senate Finance Committee. I was not surprised to find that the son, like his father, was tough but fair-minded and a man of strong principle.

Senator CHAFEE brought a unique set of skills to the Senate. A native Rhode Islander, he earned a B.A. in classics from Brown University and was captain of the wrestling team. Instead of following immediately in his father's footsteps, however, he initially worked as a blacksmith at harness race tracks in the United States and Canada and later in manufacturing management. These experiences gave him a great deal of respect for working people and helped him build a strong sense of independence and plain old common sense.

It is also clear that Senator CHAFEE never forgets his other important job. As a father of three school-aged children, he often reminds his colleagues to consider the impact of our decisions on the next generation. Whether he is working to preserve fragile wetlands in his beloved home State, helping strengthen our homeland security, or preventing massive debts from accruing, he talks often about our responsibility to our children.

Senator CHAFEE has served the State of Rhode Island with integrity and compassion. He will be missed.

CONRAD BURNS

Mr. President, I rise today to acknowledge my colleague from Montana, Senator CONRAD BURNS, who will be leaving this body after serving Montanans for the past 18 years.

Since our States border one another, Senator BURNS and I have had the opportunity to work together on issues important to our region and the Nation. Senator BURNS has been a strong advocate for the interests of his State.

In 2002, Senator BURNS and I joined forces to create the Bipartisan Task Force on Tribal Colleges and Universities. One of the goals we set for the task force was to secure adequate resources on the Federal level to support and grow these valuable institutions. Senator BURNS, as chairman of the Interior Appropriations Subcommittee, was a strong advocate in helping the task force achieve this goal. Under his leadership, the tribal colleges received some of the largest increases in Federal funding since their inception. This support has opened the door of opportunity for thousands of American Indians.

During this past year, we have also worked together on agricultural disaster assistance legislation. Because both of our States have a strong agricultural sector in our economy, this issue is very important to our constituents. The support he has given to agricultural disaster legislation in both the Senate Appropriations Committee and the full Senate has been important to our efforts, and I appreciate his strong support.

Senator BURNS was also a valuable member of the ICBM coalition. During these past years, he and I have worked together to make sure our Nation has a strong military deterrent to emerging world threats.

Since he arrived in Washington as a Senator only 2 years after I did, we have watched the debates and policy discussions in this body together for almost two decades now. During that time we have seen economic ups and downs, a major change in international power structure, and the new challenges we face after the 9/11 terrorist attacks.

Again, Mr. President, I have appreciated the opportunity to work with Senator BURNS and wish him well as he leaves the Senate.

JIM JEFFORDS

Mr. President, today I would like to take a moment to recognize my friend and colleague, JIM JEFFORDS, who after 32 years of distinguished service in Congress is retiring to spend more time with his family.

JIM JEFFORDS' family roots in Vermont can be traced all the way back to 1794. After attending public schools in Rutland, JIM received his undergraduate degree from Yale University and his law degree from Harvard Law School. He served in the U.S. Navy and retired from the U.S. Naval Reserve.

I have worked closely with JIM JEFFORDS for years on the Centrist Coalition. He is a good friend and someone I could always trust. JIM has always been independent-minded with a strong sense of integrity, a real commitment to fiscal responsibility, an unparalleled dedication to the environment, and a passion for improving education for our children. During his time in Congress, JIM JEFFORDS left his mark on some of the most important legislation this institution has passed, including the Individuals with Disabilities Education Act, the Clean Air Act, the Clean Water Act, and the 2005 highway bill.

In 2001, JIM JEFFORDS made a historic and difficult decision to switch his party affiliation to an Independent. He was never afraid to make tough decisions, and this one was no exception. It took courage to stand up against the rising tide, knowing that his decision would tip the balance in the Senate and set us on a new course.

JIM JEFFORDS embodies what it means to be a good Senator—honesty, a strong work ethic, courage, dedication, and being true to one's convictions. He is also thoughtful, modest, and soft spoken. With these character traits it is hard to believe that he has a black belt in tae kwon do.

JIM JEFFORDS has been a true fighter for Vermont. His compassion and conviction will be missed in the U.S. Senate. I wish JIM and his family many happy years ahead.

MIKE DEWINE

Mr. President, I rise today to pay tribute and recognize the accomplishments of a colleague who will be leaving the Senate at the end of this term. Senator MIKE DEWINE has represented Ohio in the Senate for 12 years. During his tenure, he has been an important advocate for the interests of the Buckeye State.

Senator DEWINE will be remembered for his work on the Health, Education, Labor, and Pensions Committee and particularly his success as chairman of the Subcommittee on Retirement Security and Aging. He was a vital and constructive member of the conference committee on the Pension Protection Act, and he illustrated what can be accomplished when you are willing to work across party lines on a common goal.

I have also admired Senator DEWINE's commitment to our Nation's children and his efforts to stop teen drug and alcohol abuse, as well as crack down on tobacco companies' marketing of their products to children and teens. With unfailing courage, he took on those in his own party and other special interests to protect our kids from harmful tobacco products.

In addition, I believe he has set a good example for all of us in the Senate in how to honor those from our States who have fallen in service to our Nation. With deep admiration, I have listened to Senator DEWINE come to the floor and speak about the lives and families of Ohio service men and women who have died in Iraq and other fields of battle. It is clear that he understands and deeply respects the sacrifices made by our troops and their families.

Mr. President, for these and many other reasons, I have been honored to serve with MIKE DEWINE. I would like to join my colleagues in wishing the Senator and his family the best in the future and in paying tribute to his contributions to the Senate and our Nation. I wish him well.

MIKE DEWINE

Mr. KOHL. Mr. President, I rise today to bid farewell to one of our esteemed colleagues, MIKE DEWINE of Ohio. It has been my special joy and privilege to work closely with Senator DEWINE for the last decade. Since 1997,

we have led the Antitrust Subcommittee, each taking our turns as chairman and ranking member. Thanks to MIKE's honesty, candor, and cooperative nature, we have forged a productive bipartisan partnership as we have worked to promote competition in many vital sectors of our Nation's economy.

This productive, bipartisan working relationship has been a hallmark of Senator DEWINE's leadership of the Antitrust Subcommittee since he assumed the chairmanship of the committee in 1997. From the beginning, he reached out to me and established our tradition of setting our agenda jointly, planning our hearings together, and even sponsoring legislation and writing letters to the administration jointly. We tackled together such thorny issues as encouraging competition in telecommunications, health care, the oil and gas, and airline industries, investigating dozens of important mergers ranging from AOL/Time Warner to ATT/Bell South, and pursuing antitrust reform legislation. While we have not always agreed on every issue that came before our subcommittee although I am happy to say we agreed more often than not—MIKE DEWINE and I always agreed that we should put partisanship aside and accomplishing practical results for the American people first.

On a personal note, our close working relationship has caused me to come to know MIKE DEWINE very well. I have come learn that MIKE is a sober-minded, hard working, and caring person. In my career, I have been privileged to know and work with a few distinguished Members of this Chamber whom I can truly call statesmen, leaders, and friends. MIKE DEWINE is one of them. He will be missed.

Mrs. CLINTON. Mr. President, I rise today to honor the great service of retiring Senators PAUL SARBANES, MARK DAYTON, and JAMES JEFFORDS.

Senator SARBANES' service in the Senate stretches back three decades. First elected in 1977, he had previously served as a Congressman and before that as a delegate in the Maryland State House. I have been so grateful to the Senator for his advice and his work in this Chamber.

Senator SARBANES is the son of immigrants from Laconia, Greece, and he has often spoken about the pride that he has for his Greek heritage, as well as the inspiration that he draws from it through his work in the Senate. His parents instilled in him a reverence for the principles of democracy and a respect for the values of opportunity and fairness. He has championed these values throughout his life in public service, passing important legislation to reform the accounting industry, the 2002 Sarbanes-Oxley Act, among many other legislative accomplishments.

I want to thank Senator SARBANES and his dedicated staff for their extensive and laudable work on the surface transportation reauthorization bill and in particular for their tireless efforts to ensure our Nation's transit systems are adequately funded. With so much congestion on our roads it is critical that we continue to invest in our trains, buses, ferries, and other modes of transportation to reduce congestion and reduce travel times. Senator SARBANES did this work in his role as ranking member of the Banking Committee, and millions of people everyday—especially in New York—who ride trains and buses to and from work should be grateful that we had him on our side for so many years.

I could stand here for a long time singing the praises and accomplishments of Senator SARBANES after a long and distinguished career in the Senate. I will end by saying this: We will miss him and he has left his mark on this great Chamber.

I will also express a fond farewell to Senator DAYTON.

It has been an honor to serve on the Armed Services Committee with Senator DAYTON.

He has done a wonderful job for the people of Minnesota. In his time in the Senate Senator DAYTON worked hard to live up to the legend of Senator Wellstone, to honor the values that Senator Wellstone championed in this body.

One example: I was grateful to Senator DAYTON for his support of the Nontraditional Student Success Act, a piece of legislation to help more people attend college while working and raising families—to open the doors of opportunity wider for more and more Americans.

I am grateful to MARK DAYTON for his work to honor his values, and I know he leaves this body having made the people of Minnesota proud.

I will also say a few words about Senator JEFFORDS.

Senator JEFFORDS has ably represented Vermonters here in the Congress for decades. In doing so, he has reflected the independent spirit of Vermonters, and no more so than when he took the courageous step in 2001 to become an Independent and caucus with the Democrats.

Since that time, I have had the great pleasure of working with Senator JEFFORDS on the Environment and Public Works Committee. His tenure at that committee was a fitting capstone to his career, as he has long been focused on environmental protection.

Throughout his long and distinguished career, Senator JEFFORDS has been a strong advocate of renewable energy. In many ways, he has been ahead of his time. In 1990, he introduced a bill to promote ethanol and other alternative fuels, and nearly 10 years ago he introduced legislation to create a 20-percent renewable portfolio standard. During his tenure first as chairman, and then as ranking member of the EPW committee, he has been a strong and clear voice for a cleaner environment.

He has been an ally and a champion of reducing pollution from power-plants, fighting global warming, and making our buildings more energy efficient. And he has worked hard to hold the administration to task for numerous rollbacks of our landmark environmental laws. During his tenure on the committee, Senator JEFFORDS has been ably assisted by a staff led by Ken Connolly and Alison Taylor. I thank them and Senator JEFFORDS' entire staff for their assistance to me and my staff.

Unfortunately, I could not attend the final EPW meeting this week, but I understand that Senator JEFFORDS announced that he is returning home to Vermont, and described home as ''the place you can go where they have to take you in.''

I know that Vermont will welcome Senator JEFFORDS back with open arms, and I know that he will always have a home away from home here in the Senate.

Finally, I also wish the very best to my Republican colleagues who will leave the Senate at the conclusion of this Congress. The Senate, at its best, is a body that promotes bipartisanship, deliberation, and cooperation, and the dedication to shared values. It has been a privilege to work with my departing colleagues on the other side of the aisle.

REMEMBERING MARY ARNOLD

Mr. BYRD. Mr. President, as we approach this Christmas season, our joy is tempered by sorrow over the loss in late November of one of our Senate family members. The sorrow is borne of shock and loss as we mourn the sudden departure from this earthly life of our dear friend, Mary Miller Arnold. Yet, as we grieve, we must also give thanks for her life and for the enrichment she brought to all of the lives she touched.

It has been my honor and privilege to have served in the U.S. Senate for nearly 50 years. During this time, I have come to greatly appreciate and revere the work of the staff of the U.S. Senate. These wonderful women and men play a sometimes invisible but always crucial role in the work of the Senate. They are dedicated, professional public servants who work long and unpredictable hours. When the Senate is in session, their families' lives suffer and their social lives are almost nonexistent.

These are noble people who contribute to the history of our country every day, but, sadly, they will rarely be mentioned in the history books. Yet their lives are perfect examples of humble attention to duty and service. Such a life was Mary Arnold's.

I came to know Mary from her previous positions in the U.S. Senate and to appreciate her work as well as to like her personally. I was pleased and proud to have the opportunity to appoint Mary Arnold to her position as a Senate doorkeeper when I was the Senate majority leader, September 1, 1987. She did not disappoint. One year later

she was promoted to doorkeeper supervisor.

Mary Arnold carried out her responsibilities superbly and with distinction, in just the same way she conducted her life. She worked professionally, energetically, and with dignity. She was a caring, thoughtful, and very special person. Everyone who worked with her loved her. Selflessness was the hallmark of Mary Arnold's personality. She was kind, thoughtful, polite, with a kind of old-world graciousness not seen so often these days. Mary exuded grace in this often graceless age. A tall woman, Mary had a quiet sense of authority about her which served her well on the Senate floor. Her elegant bearing commanded respect, and she knew just how to compel without offending. I admired her.

To me, Mary was a dear friend. I shall never forget her kindness to my dear wife Erma. Especially at Christmas, a season Mary really enjoyed, Mary's love for her friends and family lighted our lives and set her apart. She fairly glowed as she made her Christmas visitations with thoughtful notes and gifts which she must have spent hours preparing. She was a red rose among the pale lilies, and her memory will ever warm our hearts.

Her passing is a loss to the Senate, her community, and, of course, her family.

To her loving husband of 48 years, Edwin, and her children, Mary Elizabeth and Edwin, our hearts and prayers are with you.

Take comfort in knowing that Mary is now in the embrace of an all-loving God. As the Scriptures assure us:

And God shall wipe away all tears from their eyes; and there shall be no more death, neither sorrow, nor crying, neither shall be any more pain: for the former things are passed away. (KJV, Revelations 21:4)

THE ROSE STILL GROWS BEYOND THE WALL

Near a shady wall a rose once grew,
Budded and blossomed in God's free light,
Watered and fed by the morning dew,
Shedding its sweetness day and night.

As it grew and blossomed fair and tall,
Slowly rising to loftier height,
It came to a crevice in the wall,
Through which there shone a beam of light.

Onward it crept with added strength,
With never a thought of fear or pride.
It followed the light through the crevice's length
And unfolded itself on the other side.

The light, the dew, the broadening view,
Were found the same as they were before;
And it lost itself in beauties new,
Spreading its fragrance more and more.

Shall claim of death cause us to grieve,
And make our courage faint or fall?
Nay! Let us faith and hope receive:
The rose still grows beyond the wall.

Scattering fragrance far and wide,
Just as it did in the days of yore,
Just as it did on the other side,
Just as it will forevermore.

SCENT OF THE ROSES

Let fate do her worst, there are relics of joy,
Bright dreams of the past, which she cannot destroy;
that come, in the night-time of sorrow and care,
And bring back the features that joy used to wear.
Long, long be my heart with such memories filled,
Like the vase in which roses have once been distilled,
You may break, you may shatter the vase, if you will,
But the scent of the roses will hang around it still.''

—*Thomas Moore*

RETIREMENT OF MR. ANTHONY J. ''TONY'' ZAGAMI

Mr. BYRD. Mr. President, I rise to announce the retirement of a longtime public servant and former staff member of the U.S. Senate. After 40 years of Federal service, Anthony J. ''Tony'' Zagami will retire as the longest serving general counsel in the history of the U.S. Government Printing Office.

Tony arrived on Capitol Hill just as I was completing my first term in the Senate. Before Tony's arrival, I had the privilege of knowing and working with his late father, Dino, a member of the Senate's Official Reporters of Debates staff. Dino retired in the early 1970s, while Tony went on to serve the Congress, moving to the GPO in 1990.

Over the years, Tony Zagami became a valued and trusted staff member of the Congress in many different capacities. His strong skills and commitment to public service were well recognized, not just on the Hill but also throughout the legislative branch. As he departs the GPO for a well-deserved retirement, I thank him for his service and wish him all the best.

NOTICE OF CHANGE IN SENATE RULES COMMITTEE POLICY FOR THE USE OF SENATE ROOMS

Mr. LOTT. Mr. President, I am taking this opportunity to announce that in accordance with title V of the Rules of Procedure of the Committee on Rules and Administration, the Committee intends to update the Policy for Use of Senate Rooms.

Based on the Committee's review of the policy for use of Senate Rooms, the following changes to these policies have been adopted effective today, December 7, 2006. The changes are designed to streamline communications between the Rules Committee and Senate offices and to clarify the rules governing the use of Senate rooms.

Set forth below is the policy for the use of Senate rooms.

Mr. President, I ask unanimous consent that the material be printed in the RECORD.

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

POLICY REGULATIONS FOR USE OF SENATE ROOMS

Appendix E. Policy for Use of Senate Rooms, The Russell Rotunda & Courtyard, The Hart Atrium, The Great Hall of the Capitol Visitor Center, and The Capitol Rotunda

The Senate Committee on Rules and Administration has jurisdiction over assignment and use of space in the Senate Office Buildings, the Senate Wing of the Capitol, which includes the Senate Wing of the Capitol Visitor Center, and the Courtyard of the Russell Building. While rooms may be occupied or administered by other offices or Committees, they are subject to the Rules Committee policy for the use of Senate rooms.

The following regulations have been established for use by all offices in the assignment of their rooms.

Any requests, conditions or circumstances not covered by these regulations must be submitted in writing to the Senate Rules Committee for its consideration.

1. Booking a Senate Event Room

Rooms are available for Senate-related business only.

The Senator or Officer sponsoring the function is expected to be in attendance.

Any requests or circumstances not covered by these room regulations must be submitted to the Rules Committee in writing for consideration.

Requests for the use of any space in the Senate Office Buildings and the Senate Wing of the Capitol, including the Senate wing of the Capitol Visitor Center, must be made by a Senator or Officer of the Senate.

All requests for room reservations must be submitted to the Senate Rules Committee on the official room request form provided by Rules Committee. All required fields on the form must be completed.

The requesting Senator's or Officer's signature must appear on the room request form.

Specific and accurate information must be provided including the date and time of the event, full name of any organization or group involved (no acronyms), a complete description of the function and its purpose, number of people attending, type of set up required, and indication of catering needs. A Senate staff contact name and telephone number is required.

Each office may designate up to two staff members who will be authorized to submit room requests on behalf of a Senator or Officer of the Senate.

Rooms are assigned on a first-come, first-served basis.

Room requests may be made up to a maximum of 3 months in advance.

The Senate Rules Committee will not discuss room availability prior to submission of an official room request form.

Requests for rooms are subject to approval by the Rules Committee and availability of space. The Senate Rules Committee will provide a written or an e-mail response to all submitted requests. A room reservation is not confirmed until written or e-mail confirmation has been received.

Upon receipt of confirmation of a room reservation, Senators and Officers must provide outside groups, who are hosting a function in Senate space, with a copy of the Official Guidelines for Use of Senate Space, a fact sheet prepared by the Senate Rules Committee and available on the Rules Committee web site.

Room reservation information is available to Senate staff only. Offices requesting rooms are responsible for all communications with outside groups. The Senate Rules Committee will not discuss events, event arrangements, or room availability with outside groups.

To accommodate the room requests of all Senators and Committees, an outside group may not reserve a room more than once in a calendar month.

Rooms may not be ''held'' on a tentative basis.

Cancellations should be reported immediately to the Senate Rules Committee.

2. Use of Space Assigned to a Senator, Committee Chairman, or an Officer of the Senate

Requests for use of space assigned specifically to a Senator, Committee Chairman, or Officer of the Senate should be made directly to that individual. Room regulations apply to all Senate rooms.

3. Use of Senate Event Rooms

The Senator sponsoring the function will be held accountable for enforcement of all room regulations. Outside groups disregarding the Policy for Use of Senate Rooms, as set forth by the Committee on Rules and Administration, may have their reservation cancelled, event terminated, or may be prohibited from scheduling future events in Senate rooms.

All requests for a Senate event room for use by a Committee, or under the auspices of a Committee, must be made or approved by the Chairman of that Committee. (If the Committee is a joint committee, the request must be made or approved by the Senator who is Chairman or Vice-chairman of that Joint Committee.) A use is considered to be ''by a Committee'' or ''under the auspices of a Committee'' when the announcement, agenda or notice for the use identifies Senate participants as members of the Committee.

Standing Committees of the Senate, Special Committees of the Senate, Select Committees of the Senate, and Joint Congressional Committees may hold committee hearings and conduct meetings in Senate rooms. Congressional hearings and official legislative meetings take precedence over all other functions.

Events may be booked Monday-Friday. Events may begin no earlier than 7:30 am in the morning. Evening events must conclude by 10:00 pm.

The precise time period scheduled for room use must be strictly adhered to.

Weekend events are generally not permitted.

Specific event arrangements (set-up, catering) should be discussed directly with those responsible for providing the services in Senate space, as indicated on the Rules Committee's Room Request Form. Set-up and catering entities may not provide information about other scheduled events or availability of other event rooms.

Since rooms are available only for Senate-related business, there is no charge for such use. Therefore, no charge is permitted in connection with the use of Senate space, nor may any charge be assessed for admittance or refreshments in Senate space.

Weddings, funerals, memorial services, tributes, award ceremonies, or other events of a personal nature are not allowed.

Events that may endanger the public or create an unreasonable risk of liability for the United States Senate are not permitted. Outside groups are not permitted to use Senate space to conduct events intended to simulate Congressional hearings or legislative meetings.

Demonstrations and disruptive behavior are not permitted.

Excessive noise or sound amplification is not permitted.

Music during business hours is not permitted (see Section 9).

Animals are generally not permitted at events in Senate rooms, except in cases where an animal provides necessary assistance to an individual with disabilities.

Education, training, and health screening conducted in Senate space by outside entities for the Senate community must be coordinated with and conducted through the Senate Office of Education and Training or the Senate Employee Assistance Program.

No money or items may be collected on Senate property for any purpose, including charitable purposes.

Senate space may not be used for any fundraising purpose.

Senate space may not be used for political activities, including political campaign, political party, or political action committee activities.

Booking and use of Senate space for any commercial, promotional, or profit-making purpose is strictly prohibited.

No signs, placards, photographs, brochures or pamphlets displaying a group or company name or logo are permitted.

Exhibits must be educational in nature and must relate to Senate business.

Trade fairs are not permitted.

No products or services may be promoted or sold on the premises. No promotional material may be distributed on the premises.

No material may be attached anywhere in Senate rooms, including walls, windows, window treatments, and doors.

Banners anywhere on Senate property are strictly prohibited.

The Senate will not be held responsible for articles brought into the Senate buildings or onto Senate grounds for functions and exhibits. The Senate does not provide insurance for such articles.

4. Cancellation of Events

Since Senate Committee hearings and official legislative meetings take precedence over all other functions, it may be necessary to cancel or move a function on short notice based on the legislative schedule of the Senate.

Groups disregarding the Policy for Use of Senate Rooms, as set forth by the Committee on Rules and Administration, may have their reservation cancelled, event terminated, or may be prohibited from scheduling future events in Senate rooms.

5. Food and Beverages

Food and beverages for events in Senate rooms may only be provided by the Senate event food and beverage service provider (s) designated by the Senate Rules Committee. Information regarding the designated provider (s) will be posted on the room request form and the Official Guidelines for Use of Senate Space fact sheet prepared by the Senate Rules Committee.

Catering arrangements for special events or functions must be made directly with the designated food and beverage service provider(s).

The Senate Rules Committee must grant a waiver for any special event food that cannot be furnished by the Senate food service vendor (such as home state products celebrating the food of a state). Requests for waivers must be submitted in writing to the Senate Rules Committee well in advance of the event.

All food and beverages served at a function must be consumed within the scheduled room. No food or beverages are permitted in the corridors outside event rooms.

6. Financial Obligations

Outside groups are expected to make arrangements for payment for any catering expenses in advance of the event date and in accordance with contractual requirements.

The Senator or Officer sponsoring the function is responsible for any loss of or damage to Senate property and for any financial obligation incurred.

7. Room Set-Up

The Office of the Senate Superintendent will make arrangements for the set-up of a room in the Senate Office Buildings with the sponsoring Senator's staff or designated constituent contact. Arrangements for room set up in the Senate wing of the Capitol and the Capitol Visitor Center are made through Capitol Facilities.

There is no charge for set-up of rooms by the Senate Superintendent's Office or Capitol Facilities.

At the time the reservation is approved by the Rules Committee, Senate offices should make arrangements, or should notify their constituent contact that arrangements for the set-up of the room must be made directly with the Superintendent's Office or Capitol Facilities. Arrangements should be made as soon as possible, but at least 2 business days in advance of the event, in order to guarantee the availability of adequate furniture, equipment, and supplies.

Room set-up arrangements may not be changed on the day of an event.

8. Room Capacity

The Senate Rules Committee posts information on its web site regarding the maximum capacity of event rooms, based upon set-up style. The maximum room capacity by set-up style permitted by the Fire Marshal shall not be exceeded. Failure to adhere to the maximum room occupancy level may result in termination of an event or function.

9. Music

No music is permitted in the Senate wing of the Capitol when the Senate is in session.

No music is permitted in the Senate Office Building event rooms or in the Capitol Visitor Center event rooms when the Senate is in session until after 6:00 p.m.

When the Senate is in recess, music is permitted after 5:00 p.m.

Music may be provided during the approved time periods by string instruments or a piano. Amplified music is not permitted.

Vocal performances and singing are not permitted at any time in Senate space, except by special permission in the Russell Senate Office Building Rotunda. See Russell Rotunda section.

10. Press Conferences

Only Senators may conduct press conferences. Outside groups may not hold press conferences in Senate event rooms.

Press conferences related to political campaign, political party, or political action committee activities are not permissible.

11. Photographing and Filming

Since Senate space may not be used for commercial, promotional, or profit-making purposes whatsoever:

No promotional or commercial photographing or filming is permitted.

Filming involving or related to commercial ventures, including fictional movies and commercial documentaries, as well as the use of Senate space to create or promote commercial entertainment programming, is strictly prohibited in Senate buildings and on the Capitol grounds.

12. Audio Visual Presentations

The content of audio visual presentations made in Senate rooms may not be commercial, promotional, profit-making, or fundraising in nature.

13. Broadcasting

News broadcasting, coverage and videotaping at events/in event rooms requires special permission and must be coordinated with the Senate Radio TV Gallery. News broadcasting, coverage, and videotaping are prohibited in some areas, and are subject to the rules and regulations of the Senate Rules Committee and the Senate Radio TV Gallery.

14. Admittance to Buildings

The Senate Wing of the Capitol, the Senate Wing of the Capitol Visitor Center, and the Senate Office Buildings are open during normal business hours. These areas are not open on evenings, holidays, and weekends, unless the Senate is in session.

The following information may be found on or accessed through Webster:

Information regarding normal business hours will be posted on Webster. Due to security considerations, building hours are subject to change without notice.

Information regarding building access for visitors and guests outside of normal business hours, will be posted on Webster.

Information regarding access to the Senate Wing of the Capitol and the Senate Wing of the Capitol Visitor Center for appointments, visitors, and guests will be posted on Webster.

Information regarding the Capitol Visitor Center days and hours of operation for visitor services, Senate Gallery access when the Senate is in session, as well as any special announcements with regard to closures, will be posted on the Capitol Visitor Center web site and may be accessed through a link on Webster.

The Senate Appointments Desk and the United States Capitol Police must be furnished, when required, with a list of the names and pertinent information for all guests attending functions in the Senate Wing of the Capitol, including the Senate Wing of the Capitol Visitor Center. Requirements and any necessary forms will be posted on Webster. Names of guests must be submitted in accordance with the guidelines set forth on the form, otherwise admittance to events cannot be guaranteed.

15. Event Parking

No parking accommodations are provided for guests.

RUSSELL ROTUNDA

All requests for use of the Russell Rotunda must be submitted to the Senate Rules Committee on the official Russell Rotunda request form provided by Rules Committee. All required fields on the form must be completed. The requesting Senator's or Officer's signature must appear on the request form.

Only educational, cultural, and commemorative exhibits will be permitted. No ceremonies are permitted.

No signs or placards displaying a company or group's name or logo are permitted. Banners are strictly prohibited.

Handouts are not permitted.

Photographs or slides of the complete exhibit, and any text, must be provided to the Rules Committee 14 days prior to the date of the exhibit for review before an exhibit will be approved. Text in any language other than English must be translated. No changes may be made to an approved exhibit within 7 days of the event.

Guidelines for Use of the Russell Rotunda, a fact sheet prepared by the Senate Rules Committee, must be provided to the exhibitor by the requesting Senator or Officer.

An exhibit may not be displayed in the Rotunda for more than 5 days, unless an exception is granted.

Exhibits must be placed entirely within the Russell Rotunda. The articles of an exhibit must be placed on mounted displays.

Photos or paintings may not be hung from the pillars or on the walls, and should not require any lighting, etc. that must be plugged into an electrical outlet.

Exhibits must be arranged in a manner that provides safe and easy access, as well as adequate space for emergency egress for staff and visitors.

No food or beverages are permitted.

No sound may be associated with the exhibits.

The precise time frame for set up and removal of an exhibit, as approved by the Senate Rules Committee, must be strictly followed.

A choral group may perform in the Russell Rotunda for 15 minutes during the lunch hour (12:00–1:00 p.m.). The group will not be allowed to perform when hearings or other official functions are scheduled in the Caucus Room. String instruments and piano are the only musical instruments permitted. The use of amplifiers is strictly prohibited.

Cancellations should be reported immediately.

The Senate will not be responsible for the articles of an exhibit. The Senate does not provide insurance for such articles.

RUSSELL COURTYARD

The policy of the Rules Committee is to discourage use of the Russell Courtyard for functions. Written requests for a Courtyard function, as an exception to policy, will be considered by the Committee. The function must be for Members of Congress, their families, and staff only.

HART ATRIUM, GREAT HALL OF THE CAPITOL VISITOR CENTER AND CAPITOL ROTUNDA

Use of the Capitol Rotunda, the Great Hall of the Capitol Visitor Center, and the Hart Atrium is strictly prohibited, except for official ceremonies authorized by Senate Resolution.

NOTICE OF CHANGE IN U.S. SENATE TRAVEL REGULATIONS

Mr. LOTT. Mr. President, I am taking this opportunity to announce that in accordance with title V of the Rules of Procedure of the Committee on Rules and Administration, the committee intends to update the U.S. Senate Travel Regulations.

Based on the committee's review of the 1991 regulations and the January 1, 1999, amendments to the regulations, the following changes to these policies have been adopted effective today, December 7, 2006. The changes reduce from 45 days to 30 days the period when travel advances must be repaid. In addition, the amended regulations establish a uniform $200 minimum travel advance level for all offices within the Senate.

Set forth below are the updated U.S. Senate Travel Regulations.

Mr. President, I ask unanimous consent that the material be printed in the RECORD.

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

AUTHORITY OF THE COMMITTEE ON RULES AND ADMINISTRATION TO ISSUE SENATE TRAVEL REGULATIONS

The travel regulations herein have been promulgated by the Committee on Rules and Administration pursuant to the authority vested in it by paragraph 1(n)(1)8 of Rule XXV of the Standing Rules of the Senate and by section 68 of Title 2 of the United States Code, the pertinent portions of which provisions are as follows:

Standing Rules of the Senate

Rule XXV

Paragraph 1(n)(1)8

(n)(1) Committee on Rules and Administration, to which committee shall be referred * * * matters relating to the following subjects: * * *

8. Payment of money out of the contingent fund of the Senate or creating a charge upon the same * * *

United States Code

Title 2 Section 68

Sec. 68. Payments from contingent fund of Senate

No payment shall be made from the contingent fund of the Senate unless sanctioned by the Committee on Rules and Administration of the Senate * * *

United States Senate Travel Regulations

Revised by the Committee on Rules and Administration

United States Senate, effective October 1, 1991 as amended January 1, 1999, as further amended December 7, 2006

GENERAL REGULATIONS

I. Travel Authorization

A. Only those individuals having an official connection with the function involved may obligate the funds of said function.

B. Funds disbursed by the Secretary of Senate may be obligated by:

1. Members of standing, select, special, joint, policy or conference committees

2. Staff of such committees

3. Employees properly detailed to such committees from other agencies

4. Employees of Members of such committees whose salaries are disbursed by the Secretary of the Senate and employees appointed under authority of section 111 of Public Law 95–94, approved August 5, 1977, when designated as ''ex officio employees'' by the Chairman of such committee. Approval of the reimbursement voucher will be considered sufficient designation.

5. Senators, including staff and nominating board members. (Also individuals properly detailed to a Senator's office under authority of Section 503(b)(3) of P.L. 96–465, approved October 17, 1980.)

6. All other administrative offices, including Officers and staff.

C. An employee who transfers from one office to another on the same day he/she concludes official travel shall be considered an employee of the former office until the conclusion of that official travel.

D. All travel shall be either authorized or approved by the chairman of the committee, Senator, or Officer of the Senate to whom such authority has been properly delegated. The administrative approval of the voucher will constitute the approvals required. It is expected that ordinarily the authority will be issued prior to the expenses being incurred and will specify the travel to be performed as such possible unless circumstances in a particular case prevent such action.

E. Official Travel Authorizations: The General Services Administration, on behalf of the Committee on Rules and Administration, has contracted with several air carriers to provide discount air fares for Members, Officers, and employees of the Senate only when traveling on official business. This status is identifiable to the contracting air carriers by one of the following ways:

1. The use of a government issued travel charge card

2. The use of an ''Official Travel Authorization'' form which must be submitted to the air carrier prior to purchasing a ticket. These forms must be personally approved by the Senator, chairman, or Officer of the Senate under whose authority the travel for official business is taking place. Payment must be made in advance by cash, credit card, check, or money order. The Official Travel Authorization forms are available in the Senate Disbursing Office.

II. Funds for Traveling Expenses

A. Individuals traveling on official business for the Senate will provide themselves with sufficient funds for all current expenses, and are expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.

1. Travel Advances

a) Advances to Committees (P.L. 81–118)

(1) Chairmen of joint committees operating from the contingent fund of the Senate, and chairmen of standing, special, select, policy,

or conference committees of the Senate, may requisition an advance of the funds authorized for their respective committees.

(a) When any duty is imposed upon a committee involving expenses that are ordered to be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee charged with such duty, the receipt of such chairman for any sum advanced to him[her] or his[her] order out of said contingent fund by the Secretary of the Senate for committee expenses not involving personal services shall be taken and passed by the accounting officers of the Government as a full and sufficient voucher; but it shall be the duty of such chairman, as soon as practicable, to furnish to the Secretary of the Senate vouchers in detail for the expenses so incurred.

(2) Upon presentation of the properly signed statutory advance voucher, the Disbursing Office will make the original advance to the chairman or his/her representative. This advance may be in the form of a check, or in cash, receipted for on the voucher by the person receiving the advance. Under no circumstances are advances to be used for the payment of salaries or obligations, other than petty cash transactions of the committee.

(3) In no case shall a cash advance be paid more than seven (7) calendar days prior to the commencement of official travel. In no case shall an advance in the form of a check be paid more than fourteen (14) calendar days prior to the commencement of official travel. Requests for advances in the form of a check should be received by the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel. The amount of the advance then becomes the responsibility of the individual receiving the advance, in that he/she must return the amount advanced before or shortly after the expiration of the authority under which these funds were obtained.

(Regulations Governing Cash Advances for Official Senate Travel adopted by the Committee on Rules and Administration, effective July 23, 1987, pursuant to S. Res. 258, October 1, 1987, as applicable to Senate committees)

(4) Travel advances shall be made prior to the commencement of official travel in the form of cash, direct deposit, or check. Travel advance requests shall be signed by the Committee Chairman and a staff person designated with signature authority.

(5) Cash: Advances for travel in the form of cash shall be picked up only in the Senate Disbursing Office and will be issued only to the person traveling (photo ID required), with exceptions being made for Members and elected Officers of the Senate. The traveler (or the individual receiving the advance in the case of a travel advance for a Member or elected Officer of the Senate) shall sign the travel advance form to acknowledge receipt of the cash.

(6) In those cases when a travel advance has been paid, every effort should be made by the office in question to submit to the Senate Disbursing Office a corresponding travel voucher within twenty-one (21) days of the conclusion of such official travel.

(7) Travel advances for official Senate travel shall be repaid within 30 days after completion of travel. Anyone with an outstanding advance at the end of the 30-day period will be notified by the Disbursing Office that they must repay within 15 days, or their salary may be garnished in order to satisfy their indebtedness to the Federal government.

(8) In those cases when a travel advance has been paid for a scheduled trip which prior to commencement is canceled or postponed indefinitely, the traveler should immediately return the travel advance to the Senate Disbursing Office.

(9) No more than two (2) travel advances per traveler may be outstanding at any one time.

(10) The amount authorized for each travel advance should not exceed the estimated total of official out-of-pocket expenses for the trip in question. The minimum travel advance that can be authorized for the official travel expenses of a Committee Chairman and his/her staff is $200.

(11) The aggregate total of travel advances for committees shall not exceed $5,000, unless otherwise authorized by prior approval of the Committee on Rules and Administration.

(b) Advances to Senators and their staffs (2 U.S.C. 58(j))

(Regulations for Travel Advances for Senators and Their Staffs adopted by the Committee on Rules and Administration, effective April 20, 1983, pursuant to P.L. 97–276)

(1) Travel advances from a Senators' Official Personnel and Office Expense Account must be authorized by that Senator for himself/herself as well as for his/her staff. Staff is defined as those individuals whose salaries are funded from the Senator's account. An employee in the Office of the President Pro Tempore, the Deputy President Pro Tempore, the Majority Leader, the Minority Leader, the Majority Whip, the Minority Whip, the Secretary for the Conference of the Majority, or the Secretary for the Conference of the Minority shall be considered an employee in the office of the Senator holding such office.

(2) Advances shall only be used to defray official travel expenses . . .

(3) Travel advances shall be made prior to the commencement of official travel in the form of cash, direct deposit, or check. Travel advance requests shall be signed by the Member and a staff person designated with signature authority.

(4) Cash: Advances in the form of cash shall be picked up only in the Senate Disbursing Office and will be issued only to the person traveling (photo ID required), with exceptions being made for Members and elected Officers of the Senate. The traveler (or the individual receiving the advance in the case of a travel advance for a Member or elected Officer of the Senate) will sign the travel advance form to acknowledge receipt of the cash.

(5) In no case shall a travel advance in the form of cash be paid more than seven (7) calendar days prior to the commencement of official travel. In no case shall an advance in the form of a direct deposit or check be paid more than fourteen (14) calendar days prior to the commencement of official travel. Requests for advances in the form of a direct deposit or check should be received by the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel.

(6) In those cases when a travel advance has been paid, every effort should be made by the office in question to submit to the Senate Disbursing Office a corresponding travel voucher within twenty-one (21) days of the conclusion of such official travel.

(7) Travel advances for official Senate travel shall be repaid within 30 days after completion of travel. Anyone with an outstanding advance at the end of the 30-day period will be notified by the Senate Disbursing Office that they must repay within 15 days, or their salary may be garnished in order to satisfy their indebtedness to the Federal government.

(8) In those instances when a travel advance has been paid for a scheduled trip which prior to commencement is canceled or postponed indefinitely, the traveler in question should immediately return the travel advance to the Senate Disbursing Office.

(9) The amount authorized for each travel advance should not exceed the estimated total of official out-of-pocket travel expenses for the trip in question. The minimum travel advance that can be authorized for the official travel expenses of a Senator and his/her staff is $200. No more than two (2) travel advances per traveler may be outstanding at any one time.

(10) The aggregate total of travel advances per Senator's office shall not exceed 10% of the expense portion of the Senators' Official Personnel and Office Expense Account, or $5,000, whichever is greater.

(c) Advances to Administrative Offices of the Senate

(Regulations Governing Cash Advances for Official Senate Travel, adopted by the Committee on Rules and Administration, effective July 23, 1987, pursuant to S. Res. 258, October 1, 1987, as amended, as applicable to Senate administrative offices)

(1) Travel advances shall be made prior to the commencement of official travel in the form of cash, direct deposit, or check. Travel advance requests shall be signed by the applicable Officer of the Senate and a staff person designated with signature authority.

(2) Cash: Advances in the form of cash shall be picked up only in the Senate Disbursing Office and will be issued only to the person traveling (photo ID required), with exceptions being made for Members and elected Officers of the Senate. The traveler (or the individual receiving the advance in the case of a travel advance for a Member or elected Officer of the Senate) will sign the travel advance form to acknowledge receipt of the cash.

(3) In no case shall a travel advance be paid more than seven (7) calendar days prior to the commencement of official travel. In no case shall an advance in the form of a direct deposit or check be paid more than fourteen (14) calendar days prior to the commencement of official travel. Requests for advances in the form of a direct deposit or check should be received by the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel.

(4) In those cases when a travel advance has been paid, every effort should be made by the office in question to submit to the Senate Disbursing Office a corresponding travel voucher within twenty-one (21) days of the conclusion of such official travel.

(5) Travel advances for official Senate travel shall be repaid within 30 days after completion of travel. Anyone with an outstanding advance at the end of the 30-day period will be notified by the Disbursing Office that they must repay within 15 days, or their salary may be garnished in order to satisfy their indebtedness to the Federal government.

(6) In those instances when a travel advance has been paid for a scheduled trip which prior to commencement is canceled or postponed indefinitely, the traveler in question should immediately return the travel advance to the Senate Disbursing Office.

(7) The amount authorized for each travel advance should not exceed the estimated total of official out-of-pocket travel expenses for the trip in question. The minimum travel advance that can be authorized for the official travel expenses of a Senator Officer and his/her staff is $200. No more than two (2) travel advances per traveler may be outstanding at any one time.

(d) Office of the Secretary of the Senate (2 U.S.C. 61a–9a)

(1) . . . The Secretary of the Senate is authorized to advance, with his discretion, to any designated employee under his jurisdiction, such sums as may be necessary, not exceeding $1,000, to defray official travel expenses in assisting the Secretary in carrying out his duties . . .

(e) Office of the Sergeant at Arms and Doorkeeper of the Senate (2 U.S.C. 61f–1a)

(1) For the purpose of carrying out his duties, the Sergeant at Arms and Doorkeeper of the Senate is authorized to incur official travel expenses during each fiscal year not to exceed sums made available for such purpose under appropriations Acts. With the approval of the Sergeant at Arms and Doorkeeper of the Senate and in accordance with such regulations as may be promulgated by the Senate Committee on Rules and Administration, the Secretary of the Senate is authorized to advance to the Sergeant at Arms or to any designated employee under the jurisdiction of the Sergeant at Arms and Doorkeeper, such sums as may be necessary to defray official travel expenses incurred in carrying out the duties of the Sergeant at Arms and Doorkeeper. The receipt of any such sum so advanced to the Sergeant at Arms and Doorkeeper or to any designated employee shall be taken and passed by the accounting officers of the Government as a full and sufficient voucher; but it shall be the duty of the traveler, as soon as practicable, to furnish to the Secretary of the Senate a detailed voucher of the expenses incurred for the travel to which the sum was so advanced, and make settlement with respect to such sum. Payments under this section shall be made from funds included in the appropriations account, within the contingent fund of the Senate, for the Sergeant at Arms and Doorkeeper of the Senate, upon vouchers approved by the Sergeant at Arms and Doorkeeper.

(Committee on Rules and Administration Regulations for Travel Advances for the Office of the Senate Sergeant at Arms)

(a) General.—With the written approval of the Sergeant at Arms or designee, advances from the contingent expense appropriation account for the Office of the Sergeant at Arms may be provided to the Sergeant at Arms or the Sergeant at Arms' staff to defray official travel expenses, as defined by the U.S. Senate Travel Regulations. Staff is defined as those individuals whose salaries are funded by the line item within the ''Salaries, Officers, and Employees'' appropriation account for the Office of the Sergeant at Arms.

(b) Forms—Travel advance request forms shall include the date of the request, the name of the traveler, the dates of the official travel, the intended itinerary, the authorizing signature of the Sergeant at Arms or his designee, and a staff person designated with signature authority.

(c) Payment of Advances—

(i) Travel advances shall be paid prior to the commencement of official travel in the form of cash, direct deposit, or check.

(ii) Advances in the form of cash shall be picked up only in the Senate Disbursing Office and will be issued only to the person traveling (photo ID required), with exceptions being made for Members and elected Officers of the Senate. The traveler (or the individual receiving the advance in the case of a travel advance for a Member or elected Officer of the Senate) will sign the travel advance form to acknowledge receipt of the cash.

(iii) In no case shall a travel advance in the form of cash be paid more than seven (7) calendar days prior to the commencement of official travel. In no case shall a travel advance in the form of a direct deposit or check be paid more than fourteen (14) days prior to the commencement of official travel. Requests for travel advances in the form of a direct deposit or check should be received by the Senate Disbursing Office no less than five (5) calendar days prior to the commencement of official travel.

(d) Repayment of Advances—

(i) The total of the expenses on a travel voucher shall be offset by the amount of the corresponding travel advance, providing for the payment (or repayment) of the difference between the outstanding advance and the total of the official travel expenses.

(ii) In those cases when a travel advance has been paid, every effort should be made to submit to the Senate Disbursing Office a corresponding travel voucher within twenty-one (21) days of the conclusion of such official travel.

(iii) Travel Advances for official Senate travel shall be repaid within 30 days after completion of travel. Anyone with an outstanding travel advance at the end of the 30 day period will be notified by the Senate Disbursing Office that they must repay within 15 days, or their salary may be garnisheed in order to satisfy their indebtedness to the Federal Government.

(iv) In those instances when a travel advance has been paid for a scheduled trip which prior to commencement is cancelled or postponed indefinitely, the traveler in question should immediately return the travel advance to the Senate Disbursing Office.

(e) Limits—

(i) To minimize the payment of travel advances, whenever possible, travelers are expected to utilize the corporate and individual travel cards approved by the Committee on Rules and Administration.

(ii) The amount authorized for each travel advance should not exceed the estimated total of official out-of-pocket travel expenses for the trip in question.

(iii) The minimum travel advance that can be authorized for official travel expenses is $200. No more than two (2) cash advances per traveler may be outstanding at any one time.

2. Government Travel Plans

(a) Government Charge Cards

(1) Individual government charge cards authorized by the General Services Administration and approved by the Committee on Rules and Administration are available to Members, Officers, and employees of the Senate for official travel expenses.

(a) The employing Senator, chairman, or Officer of the Senate should authorize only those staff who are or will be frequent travelers. The Committee on Rules and Administration reserves the right to cancel the annual renewal of the card if the employee has not traveled on official business during the previous year.

(b) All reimbursable travel expenses may be charged to these accounts including but not limited to per diem expenses and incidentals. Direct pay vouchers to the charge card vendor (currently Bank of America) may be submitted for the Airfare, train, and bus tickets charged to this account. All other travel charges on the account must be paid to the traveler for him/her to personally reimburse the charge card vendor.

(c) Timely payment of these Individually Billed travel accounts is the responsibility of the cardholder. The General Services Administration contract requires payment to the account within 60 days before suspension is enforced on the account. The account is cancelled and the cardholder's credit is revoked when a past due balance is carried on the card for 120 days.

(2) One Centrally Billed government charge account authorized by the General Services Administration and approved by the Committee on Rules and Administration are available to each Member, Committee, and Administrative Office for official transportation expenses in the form of airfare, train, and bus tickets, and rental cars.

(a) Direct pay vouchers to the charge card vendor (currently Bank of Americe) may be submitted for the airfare, train, and bus tickets, and rental car expenses charged to this account.

(b) Other transportation costs, per diem expenses, and incidentals are not authorized charges for these accounts unless expressly authorized by these regulations or through prior approval from the Committee on Rules and Administration.

(c) Timely payment of these Centrally Billed travel accounts is the responsibility of the cardholder, usually the Office Manager or Chief Clerk of the office. The General Services Administration contract requires payment to the account within 60 days before suspension is enforced on the account. The account is cancelled and the cardholder's credit is revoked when a past due balance is carried on the card for 120 days.

(3) A centrally billed account may be established through the approved Senate vendor (currently the Combined Airlines Ticket Office (CATO)) and will be charged against an account number issued to each designated office; there are no charge cards issued for such an account.

III. Foreign Travel

A. Reimbursement of foreign travel expenses is not authorized from the contingent fund of Member offices.

B. Committees, including all standing, select, and special committees of the Senate and all joint committees of the Congress whose funds are disbursed by the Secretary of the Senate, are authorized funds for foreign travel from their committee budget and through S. Res. 179, 95–1, notwithstanding Congressional Delegations which are authorized foreign travel funds under the authority of the Mutual Security Act of 1954 (22 U.S.C. 1754).

C. (Restrictions)—amendment to Rule XXXIX of the Standing Rules of the Senate, pursuant to S. Res. 80, agreed to January 28, 1987.

1. (a) Unless authorized by the Senate (or by the President of the United States after an adjournment sine die), no funds from the United States Government (including foreign currencies made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b), as amended) shall be received by any Member of the Senate whose term will expire at the end of a Congress after—

(1) the date of the general election in which his successor is elected; or

(2) in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the second regular session of that Congress.

(b) The travel restrictions provided by subparagraph (a) with respect to a Member of the Senate whose term will expire at the end of a Congress shall apply to travel by—

(1) any employee of the Member;

(2) any elected Officer of the Senate whose employment will terminate at the end of a Congress; and

(3) any employee of a committee whose employment will terminate at the end of a Congress.

2. No Member, Officer, or employee engaged in foreign travel may claim payment or accept funds from the United States Government (including foreign currencies made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)) for any expense for which the individual has received reimbursement from any other source; nor may such Member, Officer, or employee receive reimbursement for the same expense more than once from the United States Government. No Member, Officer, or employee shall use any funds furnished to him [her] to defray ordinary and necessary expenses of foreign travel for any purpose other than the purpose or purposes for which such funds were furnished.

3. A per diem allowance provided a Member, Officer, or employee in connection with foreign travel shall be used solely for lodging, food, and related expenses and it is the responsibility of the Member, Officer, or employee receiving such an allowance to return to the United States Government that portion of the allowance received which is not actually used for necessary lodging, food, and related expenses.

IV. Reimbursable Expenses: Travel expenses (i.e., transportation, lodging, meals and incidental expenses) which will be reimbursed are limited to those expenses essential to the transaction of official business while away from the official station or post of duty.

A. Member Duty Station(s): The official duty station of Senate Members shall be considered to be the metropolitan area of Washington, DC.

1. During adjournment sine die or the August adjournment/recess period, the usual place of residence in the home state, as certified for purposes of official Senate travel, shall also be considered a duty station.

2. Each Member shall certify in writing at the beginning of each Congress to the Senate Disbursing Office his/her usual place of residence in the home state; such certification document shall include a statement that the Senator has read and agrees to the pertinent travel regulations on permissible reimbursements.

3. For purposes of this provision, ''usual place of residence'' in the home state shall encompass the area within thirty-five (35) miles of the residence (by the most direct route). If a Member has no ''usual place of residence'' in his/her home state, he/she may designate a ''voting residence,'' or any other ''legal residence,'' pursuant to state law (including the area within thirty-five (35) miles of such residence), as his/her duty station.

B. Officer and Employee Duty Station

1. In the case of an officer or employee, reimbursement for official travel expenses other than interdepartmental transportation shall be made only for trips which begin and end in Washington, DC, or, in the case of an employee assigned to an office of a Senator in the Senator's home state, on trips which begin and end at the place where such office is located.

2. Travel may begin and/or end at the Senate traveler's residence when such deviation from the duty station locale is more advantageous to the government.

3. For purposes of these regulations, the ''duty station'' shall encompass the area within thirty-five (35) miles from where the Senator's home state office or designated duty station is located.

C. No employee of the Senate, relative or supervisor of the employee may directly benefit monetarily from the expenditure of appropriated funds which reimburse expenses associated with official Senate travel. Therefore, reimbursements are not permitted for mortgage payments, or rental fees associated with any type of leasehold interest.

D. A duty station for employees, other than Washington, DC, may be designated by Members, Committee Chairmen, and Officers of the Senate upon written designation of such station to the Senate Disbursing Office. Such designation shall include a statement that the Member or Officer has read and agrees to the pertinent travel regulations on permissible reimbursements. The duty station may be the city of the office location or the city of residence.

E. For purposes of these regulations, the metropolitan area of Washington, DC, shall be defined as follows:

1. The District of Columbia
2. Maryland Counties of
(a) Charles
(b) Montgomery
(c) Prince Georges
3. Virginia Counties of
(a) Arlington
(b) Fairfax
(c) Loudoun
(d) Prince William
4. Virginia Cities of
(a) Alexandria
(b) Fairfax
(c) Falls Church
(d) Manassas
(e) Manassas Park
5. Airport locations of
(a) Baltimore/Washington International Thurgood Marshall Airport
(b) Ronald Reagan Washington National Airport
(c) Washington Dulles International Airport

F. When the legislative business of the Senate requires that a Member be present, then the round trip actual transportation expenses incurred in traveling from the city within the United States where the Member is located to Washington, D.C., may be reimbursed from official Senate funds.

G. Any deviation from this policy will be considered on a case by case basis upon the written request to, and approval from, the Committee on Rules and Administration.

V. Travel Expense Reimbursement Vouchers

A. All persons authorized to travel on official business for the Senate should keep a memorandum of expenditures properly chargeable to the Senate, noting each item at the time the expense is incurred, together with the date, and the information thus accumulated should be made available for the proper preparation of travel vouchers which must be itemized on an official expense summary report and stated in accordance with these regulations. The official expense summary report form is available at the Senate Disbursing Office or through the Senate Intranet.

B. Computer generated vouchers should be submitted with a signed original. Every travel voucher must show in the space provided for such information on the voucher form the dates of travel, the official travel itinerary, the value of the transportation, per diem expenses, incidental expenses, and conference/training fees incurred.

C. Travel vouchers must be supported by receipts for expenses in excess of $50. In addition, the Committee on Rules and Administration reserves the right to request additional clarification and/or certification upon the audit of any expense seeking reimbursement from the contingent fund of the Senate regardless of the expense amount.

D. When presented independently, credit card receipts such as VISA, MASTER CHARGE, or DINERS CLUB, etc. are not acceptable documentation for lodging. If a hotel bill is lost or misplaced, then the credit card receipt accompanied by a certifying letter from the traveler to the Financial Clerk of the Senate will be considered necessary documentation. Such letter must itemize the total expenses in support of the credit card receipt.

TRANSPORTATION EXPENSES

I. Common Carrier Transportation and Accommodations

A. Transportation includes all necessary official travel on railroads, airlines, helicopters, buses, streetcars, taxicabs, and other usual means of conveyance. Transportation may include fares and such expenses incidental to transportation such as but not limited to baggage transfer. When a claim is made for common carrier transportation obtained with cash, the travel voucher must show the amount spent, including Federal transportation tax, and the mode of transportation used.

(1. Train Accommodations

(a) Sleeping-car accommodations: The lowest first class sleeping accommodations available shall be allowed when night travel is involved. When practicable, through sleeping accommodations should be obtained in all cases where more economical to the Senate.

(b) Parlor-car and coach accommodations: One seat in a sleeping or parlor car will be allowed. Where adequate coach accommodations are available, coach accommodations should be used to the maximum extent possible, on the basis of advantage to the Senate, suitability and convenience to the traveler, and nature of the business involved.

(2. Airplane Accommodations

(a) First-class and air-coach accommodations: It is the policy of the Senate that persons who use commercial air carriers for transportation on official business shall use less than first-class accommodations instead of those designated first-class with due regard to efficient conduct of Senate business and the travelers' convenience, safety, and comfort.

(b) Use of United States-flag air carriers: All official air travel shall be performed on United States-flag air carriers except where travel on other aircraft (1) is essential to the official business concerned, or (2) is necessary to avoid unreasonable delay, expense, or inconvenience.

B. Change in Travel Plans: When a traveler finds he/she will not use accommodations which have been reserved for him/her, he/she must release them within the time limits specified by the carriers. Likewise, where transportation service furnished is inferior to that called for by a ticket or where a journey is terminated short of the destination specified, the traveler must report such facts to the proper official. Failure of travelers to take such action may subject them to liability for any resulting losses.

1. ''No show'' charges, if incurred by Members or staff personnel in connection with official Senate travel, shall not be considered payable or reimbursable from the contingent fund of the Senate.

2. Senate travelers exercising proper prudence can make timely cancellations when necessary in order to avoid ''no show'' assessments.

C. Compensation Packages: In the event that a Senate traveler is denied passage or gives up his/her reservation due to overbooking on transportation for which he/she held a reservation and this results in a payment of any rebate, this payment shall not be considered as a personal receipt by the traveler, but rather as a payment to the Senate, the agency for which and at whose expense the travel is being performed.

1. Such payments shall be submitted to the appropriate individual for the proper disposition when the traveler submits his/her expense account.

2. Through fares, special fares, commutation fares, excursion, and reduced-rate round trip fares should be used for official travel when it can be determined prior to the start of a trip that any such type of service is practical and economical to the Senate.

3. Round-trip tickets should be secured only when, on the basis of the journey as planned, it is known or can be reasonably anticipated that such tickets will be utilized.

D. Ticket Preparation Fees: Each Chairman, Senator, or Officer of the Senate may, at his/her discretion, authorize in extenuating circumstances the reimbursement of penalty fees associated with the cancellation of through fares, special fares, commutation fares, excursion, reduced-rate round trip fares and fees for travel arrangements, provided that reimbursement of such fees offers the best value and does not exceed $30.

E. Frequent Flyer Miles: Travel promotional awards (e.g. free travel, travel discounts, upgrade certificates, coupons, frequent flyer miles, access to carrier club facilities, and other similar travel promotional items) obtained by a Member, officer or employee of the Senate while on official travel may be utilized for personal use at the discretion of the Member or officer pursuant to this section.

1. Travel Awards may be retained and used at the sole discretion of the Member or officer only if the Travel Awards are obtained under the same terms and conditions as those offered to the general public and no favorable treatment is extended on the basis of the Member, officer or employee's position with the Federal Government.

2. Members, officers and employees may only retain Travel Awards for personal use when such Travel Awards have been obtained at no additional cost to the Federal Government. It should be noted that any fees assessed in connection with the use of Travel Awards shall be considered a personal expense of the Member, officer or employee and under no circumstances shall be paid for or reimbursed from official funds.

3. Although this section permits Members, officers and employees of the Senate to use Travel Awards at the discretion of the Member or officer, the Committee encourages the use of such Travel Awards (whenever practicable) to offset the cost of future official travel.

F. Indirect Travel: In case a person, for his/her own convenience, travels by an indirect route or interrupts travel by direct route, the extra expense will be borne by the traveler. Reimbursement for expenses shall be allowed only on such charges as would have been incurred by the official direct route. Personal travel should be noted on the traveler's expense summary report when it interrupts official travel.

G. Public Transportation During Official Travel: Transportation by bus, streetcar, subway, or taxicab, when used in connection with official travel, will be allowed as an official transportation expense.

H. Dual Purpose Travel: Dual purpose travel occurs when a Senator, staffer, or other official traveler conducts both Senatorial office business and Committee office business during the same trip. The initial point at which official business is conducted will determine the fund which will be charged for travel expenses from and to Washington, DC. Examples include:

1. If committee business is conducted at the first stop in the trip, travel expenses from Washington, DC, to said point and return will be chargeable to the committee's funds. Additional travel expenses from said point to other points in the United States, incurred by reason of conducting senatorial business, will be charged to the Senators' Official Personnel and Office Expense Account.

2. If senatorial business is conducted at the first stop in the trip, travel expenses from Washington, DC, to said point and return will be chargeable to the Senators' Official Personnel and Office Expense Account. Committee funds will be charged with any additional travel expenses incurred for the purpose of performing committee business.

I. Interrupted Travel: If a traveler interrupts official travel for personal business, the traveler may be reimbursed for transportation expenses incurred which are less than or equal to the amount the traveler would have been reimbursed had he/she not interrupted travel for personal business. Likewise, if a traveler departs from or returns to a city other than the traveler's duty station or residence for personal business, then the traveler may be reimbursed for transportation expenses incurred which are less than or equal to the amount the traveler would have been reimbursed had the witness departed from and returned to his/her duty station or residence.

II. Baggage

A. The term ''baggage'' as used in these regulations means Senate property and personal property of the traveler necessary for the purposes of the official travel.

B. Baggage in excess of the weight or of size greater than carried free by transportation companies will be classed as excess baggage. Where air-coach or air-tourist accommodations are used, transportation of baggage up to the weight carried free on first-class service is authorized without charge to the traveler; otherwise excess baggage charges will be an allowable expense.

C. Necessary charges for the transfer of baggage will be allowed. Charges for the storage of baggage will be allowed when such storage was solely on account of official business. Charges for porters and checking baggage at transportation terminals will be allowed.

III. Use of Conveyances: When authorized by the employing Senator, Chairman, or Officer of the Senate, certain conveyances may be used when traveling on official Senate business. Specific types of conveyances are privately owned, special, and private airplane.

A. Privately Owned

1. Chairmen of committees, Senators, Officers of the Senate, and employees, regardless of subsistence status and hours of travel, shall, whenever such mode of transportation is authorized or approved as more advantageous to the Senate, be paid the appropriate mileage allowance in lieu of actual expenses of transportation. This amount should not exceed the maximum amount authorized by statute for use of privately owned motorcycles, automobiles, or airplanes, when engaged in official business within or outside their designated duty stations. It is the responsibility of the office to fix such rates, within the maximum, as will most nearly compensate the traveler for necessary expenses.

2. In addition to the mileage allowance there may be allowed reimbursement for the actual cost of automobile parking fees (except parking fees associated with commuting); ferry fees; bridge, road, and tunnel costs; and airplane landing and tie-down fees.

3. When transportation is authorized or approved for motorcycles or automobiles, mileage between points traveled shall be certified by the traveler. Such mileage should be in accordance with the Standard Highway Mileage Guide. Any substantial deviations shall be explained on the reimbursement voucher.

4. In lieu of the use of taxicab, payment on a mileage basis at a rate not to exceed the maximum amount authorized by statute will be allowed for the round-trip mileage of a privately owned vehicle used in connection with an employee going from either his/her place of abode or place of business to a terminal or from a terminal to either his/her place of abode or place of business: Provided, that the amount of reimbursement for round-trip mileage shall not in either instance exceed the taxicab fare for a one-way trip between such applicable points, notwithstanding the obligations of reasonable schedules.

5. Parking Fees: Parking fees for privately owned vehicles may be incurred in the duty station when the traveler is engaged in interdepartmental transportation or when the traveler is leaving their duty station and entering into a travel status. The fee for parking a vehicle at a common carrier terminal, or other parking area, while the traveler is away from his/her official station, will be allowed only to the extent that the fee, plus the allowable mileage reimbursement, to and from the terminal or other parking area, does not exceed the estimated cost for use of a taxicab to and from the terminal.

6. Mileage for use of privately owned airplanes shall be certified from airway charts issued by the National Oceanic and Atmospheric Administration, Department of Commerce, and will be reported on the reimbursement voucher and used in computing payment. If a detour was necessary due to adverse weather, mechanical difficulty, or other unusual conditions, the additional air mileage may be included in the mileage reported on the reimbursement voucher and, if included, it must be explained.

7. Mileage shall be payable to only one of two or more employees traveling together on the same trip and in the same vehicle, but no deduction shall be made from the mileage otherwise payable to the employee entitled thereto by reason of the fact that other passengers (whether or not Senate employees) may travel with him/her and contribute in defraying the operating expenses. The names of Senate Members or employees accompanying the traveler must be stated on the travel voucher.

8. When damages to a privately owned vehicle occur due to the negligent or wrongful act or omission of any Member, Officer, or employee of the Senate while acting within the scope of his/her employment, relief may be sought under the Federal Tort Claims Act. Information on who to contact will go here.

B. Special

1. General:

(a) The hire of boat, automobile, aircraft, or other conveyance will be allowed if authorized or approved as advantageous to the Senate whenever the Member or employee is engaged on official business outside his/her designated duty station.

(b) Where two or more persons travel together by means of such special conveyance, that fact, together with the names of those accompanying him/her, must be stated by each traveler on his/her travel voucher and the aggregate cost reimbursable will be subject to the limitation stated above.

(c) If the hire of a special conveyance includes payment by the traveler of the incidental expenses of gasoline or oil, rent of garage, hangar, or boathouse, subsistence of operator, ferriage, tolls, operator waiting time, charges for returning conveyances to the original point of hire, etc., the same should be first paid, if practicable, by the person furnishing the accommodation, or his/her operator, and itemized in the bill.

2. Rental Cars:

(a) In no case may automobiles be hired for use in the metropolitan area of Washington, DC, by anyone whose duty station is Washington, DC.

(b) Reimbursements for rental of special conveyances will be limited to the cost applicable to a conveyance of a size necessary for a single traveler regardless of the number of authorized travelers transported by said vehicle, unless the use of a larger class vehicle on a shared cost basis is specifically approved in advance by the Committee on Rules and Administration, or the form Request for a Waiver of the Travel Regulations' is submitted with the voucher, and found in order upon audit by the Rules Committee.

(c) For administrative purposes, reimbursement may be payable to only one of two or more Senate travelers traveling together on the same trip and in the same vehicle.

(d) Government Rate: In connection with the hire of an automobile for the use in conducting Senate business outside of Washington, DC, it should be noted that the Military Traffic Management Command (MTMC),

a division of the Department of Defense, arranges all rental car agreements for the government.

(1) These negotiated car rental rates are for federal employees traveling on official business and include unlimited mileage, plus full comprehensive and collision coverage (CDW) on rented vehicles at no cost to the traveler.

(2) For guidance on rate structure and the companies participating in these rate agreements, call the approved Senate vendor (currently the Combined Airline Ticket Office (CATO)).

(3) Individuals traveling on behalf of the United States Senate should use these companies to the maximum extent possible since these agreements provide full coverage with no extra fee. The Senate will not pay for separate insurance charges; therefore, any individuals who choose to use non-participatory car rental agencies may be personally responsible for any damages or liability accrued while on official Senate business.

(e) Insurance: In connection with the rental of vehicles from commercial sources, the Senate will not pay or reimburse for the cost of the loss/damage waiver (LDW), collision damage waiver (CDW) or collision damage insurance available in commercial rental contracts for an extra fee.

(1) The waiver or insurance referred to is the type offered a renter to release him/her from liability for damage to the rented vehicle in amounts up to the amount deductible on the insurance included as part of the rental contract without additional charge.

(2) The cost of personal accident insurance is a personal expense and is not reimbursable.

(3) Accidents While On Official Travel: Collision damage to a rented vehicle, for which the traveler is liable while on official business, will be considered an official travel expense of the Senate up to the deductible amount contained in the rental contract. Such claims shall be considered by the Sergeant at Arms of the Senate on a case by case basis and, when authorized, settled from the contingent fund of the Senate under the line item—Reserve for Contingencies. This is consistent with the long- standing policy of the government to self-insure its own risks of loss or damage to government property and the liability of government employees for actions within the scope of their official duties.

(4) However, when damages to a rented vehicle occurs due to the negligent or wrongful act or omission of any Member, Officer, or employee of the Senate while acting within the scope of his/her employment, relief may be sought under the Federal Tort Claims Act.

3. Charter Aircraft:

(a) Reimbursements for charter aircraft will be limited to the charges for a twin-engine, six seat plane, or comparable aircraft. Charter of aircraft may be allowed notwithstanding the availability of commercial facilities, if such commercial facilities are not such that reasonable schedules may be kept. When charter aircraft if used, an explanation and detail of the size of the aircraft, i.e., seating capacity and number of engines, shall be provided on the face of the voucher.

(b) In the event charter facilities are not available at the point of departure, reimbursement for charter from nearest point of such availability to the destination and return may be allowed.

(c) When a charter aircraft larger than a twin-engine, six seat plane is used, the form 'Request for a Waiver of the Travel Regulations' is submitted with the voucher.

C. Private Airplane: Interpretative Ruling of the Select Committee on Ethics, No. 412, issued August 11, 1986

In some circumstances, a Member who uses a private airplane is required to reimburse the provider of the aircraft to avoid either a prohibited gift under the Senate Gift Rule or a prohibited in-kind contribution to an unofficial office account. Senate Rule 38 (Prohibition of Unofficial Office Accounts), generally prohibits private sources from providing funds or services to defray a Member's officially related expenses. Thus, if a friend offers to loan a Member an aircraft to attend town meetings across the Member's home state, the Member must reimburse for the use of the aircraft to comply with Rule 38. Senate Rule 35 (Gifts) prohibits Members from accepting from an individual or organization with a direct interest in legislation, gifts aggregating over $100 in a calendar year (The rule also prohibits gifts aggregating $300 per calendar year from anyone who is not a relative). Thus, if a lobbyist offers a Member the use of his airplane to fly the Member on a vacation trip, and if the value of the use of the airplane is over $100, the member must provide reimbursement to comply with Rule 35.

In most circumstances, where reimbursement is not required, the Member will still need to determine the value of the use of the aircraft because, if the value is $250 or more, the use of the aircraft must be disclosed on the Member's annual financial disclosure forms.

In determining the value of an item for both reimbursement and disclosure purposes, the Committee has consistently stated that the applicable standard is the value of the item to the recipient. In the use of private aircraft, the Committee concluded that the value to a Member would be the cost he would have to incur to purchase the same level of service in the open market. The Committee felt that the level of service generally provided in using private aircraft is most nearly equivalent to first-class service provided by commercial carriers where such commercial service is available. Where no regularly scheduled commercial service is available, to obtain the same service provided by the use of a private aircraft, a Member would be required to charter an airplane.

RULING: The Committee has agreed on the following method for calculating the value of the use of an aircraft for both reimbursement and disclosure:

1. If the cities between which the Member is flying have regularly scheduled air service, regardless of whether such service is direct, then the value of the use of the aircraft is the cost of a first-class ticket from the point of departure to the destination.

2. If the cities have regularly scheduled air service, but only standard (coach) rate, then the value of the use of the aircraft is the coach rate.

3. If either the city from which the Member flies or his destination does not have regularly scheduled air service, then the value of the use of the aircraft is the cost of chartering the same or a similar aircraft for that flight.

The Committee notes that its ruling is generally consistent with Federal Election Commission regulations pertaining to the use of private aircraft by candidates for Federal office.

The Committee further notes that the Committee on Rules and Administration has adopted travel regulations pertaining to the level of reimbursement to be provided from official funds to Members who seek such reimbursement for air transportation costs they have paid. Our ruling addresses only the reimbursement which Members must make to the individual or organization whose aircraft he uses, not the level of reimbursement Members may receive from official funds.

NOTE: The Gifts Rule limit discussed in this ruling has changed. But the method of calculating the value of the use of an aircraft remains the same.

IV. Interdepartmental Transportation

A. The reimbursement for interdepartmental transportation is authorized as a travel expense pursuant to 2 U.S.C. 58(e) but only for the incidental transportation expenses incurred within the duty station in the course of conducting official Senate business. Such reimbursement would include the following expenses:

1. Mileage when using a privately owned vehicle

2. Bus, subway, taxi-cab, parking, and auto rental. (However, reimbursement is prohibited for auto rental expenses within the Washington D.C., metropolitan area duty station.)

B. Pursuant to S. Res. 294, agreed to April 29, 1980, section 2.(1), reimbursements and payments shall not be made for commuting expenses, including parking fees incurred in commuting.

SUBSISTENCE EXPENSES

I. Per Diem Expenses

A. Allowance

1. Per diem expenses include all charges for meals, lodging, personal use of room during daytime, baths, all fees and tips to waiters, porters, baggagemen, bell boys, hotel servants, dining room stewards and others on vessels, laundry, cleaning and pressing of clothing, and fans in rooms. The term ''lodging'' does not include accommodations on airplanes or trains, and these expenses are not subsistence expenses.

(a) Laundry: Laundry expenses must be incurred during the mid-way point of a trip. Reimbursable laundry expenses are for the refreshing of clothing during a trip, but not the maintenance of the clothing.

(b) Meals: Reimbursable expenses incurred for meals while on official travel include meals and tips for the traveler only and may not include alcohol.

2. Per diem expenses will not be allowed an employee at his/her permanent duty station and will be allowed only when associated with round trip travel outside his/her permanent duty station.

(a) Training: Meals in the duty station are only reimbursable when they are incurred during a training session. If the cost of the meal is included in the training session, then a meal certification form should be included with the voucher. The Committee on Rules and Administration will consider these on a case by case basis. Meal certification forms are available at the Disbursing Office or on the Senate intranet.

(1) Training is defined as a planned, prepared, and coordinated program, course, curriculum, subject, system, or routine of instruction or education, in scientific, professional or technical fields which are or will be directly related to the performance by the employee of official duties for the Senate, in order to increase the knowledge, proficiency, ability, skill and qualifications of the employee in the performance of official duties.

(2) Meetings in the duty station where meals are served, such as but not limited to Chamber of Commerce monthly meetings do not constitute training. Therefore, the meals associated with these meetings are not an authorized reimbursable expense.

3. In any case where the employee's tour of travel requires more than two months' stay at a temporary duty station, consideration should be given to either a change in official station or a reduction in the per diem allowance.

4. Where for a traveler's personal convenience/business there is an interruption of travel or deviation from the direct route, the per diem expenses allowed will not exceed that which would have been incurred on uninterrupted travel by a usually traveled route and the time of departure from and return to official business shall be stated on the voucher.

5. Per diem expenses will be allowed through the time the traveler departs on personal business and will be recommenced at

the time he/she returns to official business. Such dates and times shall be stated on the voucher.

B. Rates

1. The per diem allowances provided in these regulations represent the maximum allowance, not the minimum. It is the responsibility of each office to see that travelers are reimbursed only such per diem expenses as are justified by the circumstances affecting the travel. Maximum rates for subsistence expenses are established by the General Services Administration and are published in the FEDERAL REGISTER. Maximum per diem rates for Alaska, Hawaii, the Commonwealth of Puerto Rico, and possessions of the United States are established by the Department of Defense and are also published in the FEDERAL REGISTER. In addition, per diem rates for foreign countries are established by the Department of State and are published in the document titled, ''Maximum Travel Per Diem for Foreign Areas.''

(a) Per diem expenses reimbursable to a Member or employee of the Senate in connection with official travel within the continental United States shall be made on the basis of actual expenses incurred, but not to exceed the maximum rate prescribed by the Committee on Rules and Administration for each day spent in a travel status. Any portion of a day while in a travel status shall be considered a full day for purposes of per diem entitlement.

(b) When travel begins or ends at a point in the continental United States, the maximum per diem rate allowable for the portion of travel between such place and the place of entry or exit in the continental United States shall be the maximum rate prescribed by the Committee on Rules and Administration for travel within the continental United States. However, the quarter day in which travel begins, in coming from, or ends, in going to, a point outside the continental United States may be paid at the rate applicable to said point, if higher.

(c) In traveling between localities outside the continental United States, the per diem rate allowed at the locality from which travel is performed shall continue through the quarter day in which the traveler arrives at his/her destination: Provided, that if such rate is not commensurate with the expenses incurred, the per diem rate of the destination locality may be allowed for the quarter day of arrival.

(d) Ship travel time shall be allowed at not to exceed the maximum per diem rate prescribed by the Committee on Rules and Administration for travel within the continental United States.

C. Computations

1. The date of departure from, and arrival at, the official station or other point where official travel begins and ends, must be shown on the travel voucher. Other points visited should be shown on the voucher but date of arrival and departure at these points need not be shown.

2. For computing per diem allowances official travel begins at the time the traveler leaves his/her home, office, or other point of departure and ends when the traveler returns to his/her home, office, or other point at the conclusion of his/her trip.

(a) The maximum allowable per diem for an official trip is computed by multiplying the number of days on official travel, beginning with the departure date, by the maximum daily rate as prescribed by the Committee on Rules and Administration. If the maximum daily rate for a traveler's destination is higher than the prescribed daily rate, then the form ''Request for a Waiver of the Travel Regulations'' must be submitted with the voucher showing the maximum daily rate for that location and found in order upon audit by the Rules Committee.

(b) Total per diem for an official trip includes lodging expenses (excluding taxes), meals (including taxes and tips), and other per diem expenses as defined by these regulations.

INCIDENTAL EXPENSES

I. Periodicals: Periodicals purchased while in a travel status should be limited to newspapers and news magazines necessary to stay informed on issues directly related to Senate business.

II. Traveler's Checks/Money Orders: The service fee for preparation of traveler's checks or money orders for use during official travel is allowable.

III. Communications

A. Communication services such as telephone, telegraph, and faxes, may be used on official business when such expeditious means of communications is essential. Government-owned facilities should be used, if practical. If not available, the cheapest practical class of commercial service should be used.

B. Additionally, one personal telephone call will be reimbursed for each day that a Senator or staff member is in a travel status. The calls may not exceed an average of five minutes a day, and cannot be reimbursed at a rate higher than $5.00 without itemized documentation.

IV. Stationery: Stationery items such as pens, paper, batteries, etc. which are necessary to conduct official Senate business while in a travel status are authorized.

V. Conference Center/Meeting Room Reservations: The fee for the reservation of a meeting room, conference room, or business center while on official travel is allowable.

VI. Other: This category would be used (with full explanation on the Expense Summary Report for Travel) to disclose any expense which would occur incidentally while on official travel, and for which there is no other expense category, i.e., interpreting services, hotel taxes, baggage cart rental, etc.

CONFERENCE AND TRAINING FEES

I. Training of Senators' Office Staff: The Senators' Official Personnel and Office Expense Account is available to defray the fees associated with the attendance by the Senator or the Senator's employees at conferences, seminars, briefings, or classes which are or will be directly related to the performance of official duties.

A. When such fees (actual or reduced) are less than or equal to $500, have a time duration of not more than five (5) days, and have been asked to be waived or reduced for Government participation, reimbursement shall be made as an official travel expense. However, if the fee or time duration for meetings is in excess of the aforementioned, reimbursement shall be made as a non-travel expense.

B. Reimbursement shall not be allowed for tuition or fees associated with classes attended to earn credits towards an advanced degree or certification.

C. The costs of meals that are considered an integral, mandatory and non-separable element of the conference, seminar, briefing, or class will be allowed as part of the attendance fee when certified by the registrant. The meal certification form, which must accompany the reimbursement voucher, is available in the Disbursing Office or through the Senate Intranet.

II. Training of Committee Employees: Section 202 (j) of the Legislative Reorganization Act of 1946 provides for the expenditure of funds available to standing committees of the Senate for the training of professional staff personnel under certain conditions. It is the responsibility of each committee to set aside funds within its annual funding resolution to cover the expenses of such training.

A. Prior approval for attendance by professional staff at seminars, briefings, conferences, etc., as well as committee funds earmarked for training, will not be required when all of the following conditions are met:

1. The sponsoring organization has been asked to waive or reduce the fee for Government participation.

2. The fee involved (actual or reduced) is not in excess of $500.

3. The duration of the meeting does not exceed five (5) days.

B. When such fees are less than or equal to $500, have a time duration of not more than five (5) days, and have been requested to be waived or reduced for Government participation, reimbursement shall be made as a non-training, official travel expense. However, if the fee or time duration for meetings is in excess of the aforementioned, reimbursement shall be made as an official training expense. Reimbursement shall not be allowed for tuition or fees associated with classes attended to earn credits towards an advanced degree or certification.

C. If the fee or time duration for meetings is in excess of the aforementioned, advance approval by the Committee on Rules and Administration must be sought. Training requests should be received sufficiently in advance of the training to permit appropriate consideration by the Committee on Rules and Administration.

D. The costs of meals that are considered an integral, mandatory, and non-separable element of the conference, seminar, briefing, or class will be allowed as part of the attendance fee when certified by the registrant. The meal certification forms which must accompany the reimbursement voucher are available in the Disbursing Office or through the Senate Intranet.

III. Training of Administrative Offices Staff: The administrative approval of the voucher is the only approval required by the Committee on Rules and Administration. Training expenses of staff shall be limited to those fees associated with the attendance by staff at conferences, seminars, briefings, or classes which are or will be directly related to the performance of official duties. However, reimbursement shall not be allowed for tuition or fees associated with classes attended to earn credits towards an advanced degree or certification.

SPECIAL EVENTS

I. Retreats: Reimbursement of official travel expenses for office staff retreats is allowable from the contingent fund provided they follow the restrictions and authorizations in these regulations. Reimbursement of expenses for meeting rooms and equipment used during the retreat also is allowable. The vouchers for retreat expenses should be noted as retreat vouchers.

A. Discussion of Interpretative Ruling of the Select Committee on Ethics, No. 444, issued February 14, 2002

An office retreat may be paid for with either or both official funds (with Rules Committee approval) or principal campaign committee funds. Private parties may not pay expenses incurred in connection with an office retreat. Campaign workers may attend, at campaign expense, office retreats if their purpose in attending is to engage in official activities, such as providing feedback from constituents on legislative or representational matters.

B. When processing direct pay vouchers payable either to each individual traveler or to the vendor providing the retreat accommodations, prior approval by the Committee on Rules and Administration is not required. Retreat expenses, including but not limited to per diem, may be charged to the office's official centrally billed government travel charge card and paid on direct vouchers to

the charge card vendor. Any deviation from this policy will be considered on a case by case basis upon the written request to, and approval from, the Committee on Rules and Administration.

C. Spreadsheet of Expenses

1. The Member office, Committee, or Administrative office, must attach to the retreat voucher(s) a spreadsheet detailing each day of the retreat broken out by breakfast, lunch, dinner, and lodging for each traveler attending the retreat.

2. For each traveler, the spreadsheet should list his/her duty station, additional per diem expenses incurred outside of the retreat, and any other retreat attendee the traveler shared a room with during the retreat. Any non-staff members attending the retreat also should be detailed on the spreadsheet. The ''Waiver of the Travel Regulations'' form does not need to be attached to retreat voucher(s) for the sharing of rooms.

3. The per diem expenses for staff members attending a retreat within their duty station are not reimbursable but should be detailed on the spreadsheet. All expenses for non-staff members attending the retreat are not reimbursable, but their attendance at the retreat must be taken into account when computing a per traveler cost on the spreadsheet.

4. An example of this spreadsheet can be found on the Senate Intranet. THIS IS NOT CURRENTLY TRUE, BUT HOPEFULLY WILL BE BY PUBLICATION OF THESE REGULATIONS.

II. Funerals: 2 USC 68–2 restricts reimbursement from the contingent fund of the Senate to those expenses that are intimately and directly connected with the routine legislative process of the Senate. Pursuant to S. Res. 458, agreed to October 4, 1984 and S. Res. 263, agreed to July 30, 1998, reimbursement for travel expenses incurred for attendance at funerals of individuals other than current or retired Senators by a Member, officer, or employee of the Senate is not authorized.

SENATORS' OFFICE STAFF

I. Legislative Authority (2 U.S.C. 58(e), as amended)

(e) Subject to and in accordance with regulations promulgated by the Committee on Rules and Administration of the Senate, a Senator and the employees in his office shall be reimbursed under this section for travel expenses incurred by the Senator or employee while traveling on official business within the United States. The term 'travel expenses' includes actual transportation expenses, essential travel-related expenses, and, where applicable, per diem expenses (but not in excess of actual expenses). A Senator or an employee of the Senator shall not be reimbursed for any travel expenses (other than actual transportation expenses) for any travel occurring during the sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Senator is a candidate for public office (within the meaning of section 301(b) of the Federal Election Campaign Act of 1971), unless his candidacy in such election is uncontested. For purposes of this subsection and subsection 2(a)(6) of this section, an employee in the Office of the President Pro Tempore, Deputy President Pro Tempore, Majority Leader, Minority Leader, Majority Whip, Minority Whip, Secretary of the Conference of the Majority, or Secretary of the Conference of the Minority shall be considered to be an employee in the office of the Senator holding such office.

II. Regulations Governing Senators' Official Personnel and Office Expense Accounts Adopted by the Committee on Rules and Administration Pursuant to Senate Resolution 170 agreed to September 19, 1979, as amended.

Section 1. For the purposes of these regulations, the following definitions shall apply:

(a) Documentation means invoices, bills, statements, receipts, or other evidence of expenses incurred, approved by the Committee on Rules and Administration.

(b) Official expenses means ordinary and necessary business expenses in support of the Senators' official and representational duties.

Section 2. No reimbursement will be made from the contingent fund of the Senate for any official expenses incurred under a Senator's Official Personnel and Office Expense Account, in excess of $50, unless the voucher submitted for such expenses is accompanied by documentation, and the voucher is personally signed by the Senator.

Section 3. Official expenses of $50 or less must either be documented or must be itemized in sufficient detail so as to leave no doubt of the identity of, and the amount spent for, each item. Items of a similar nature may be grouped together in one total on a voucher, but must be itemized individually on a supporting itemization sheet.

Section 4. Travel expenses shall be subject to the same documentation requirements as other official expenses, with the following exceptions:

(a) Hotel bills or other evidence of lodging costs will be considered necessary in support of per diem.

(b) Documentation will not be required for reimbursement of official travel in a privately owned vehicle.

Section 5. No documentation will be required for reimbursement of the following classes of expenses, as these are billed and paid directly through the Sergeant at Arms and Doorkeeper:

(a) official telegrams and long distance calls and related services;

(b) stationery and other office supplies procured through the Senate Stationery Room for use for official business.

Section 6. The Committee on Rules and Administration may require documentation for expenses incurred of $50 or less, or authorize payment of expenses incurred in excess of $50 without documentation, in special circumstances.

Section 7. Vouchers for the reimbursement of official travel expenses to a Senator, employee, detailee pursuant to section 503(b)(3) of PL 96–465, or individual serving on a nominee recommendation panel pursuant to 2 USC 58(h) shall be accompanied by an ''Expense Summary ReportuTravel'' signed by such person. Vouchers for the reimbursement to any such individual for official expenses other than travel expenses shall be accompanied by an ''Expense Summary Report—Non-Travel'' signed by such person.

COMMITTEE AND ADMINISTRATIVE OFFICE STAFF

(Includes all committees of the Senate, the Office of the Secretary of the Senate, and the Office of the Sergeant at Arms and Doorkeeper of the Senate)

I. Legislative Authority (2 U.S.C. 68b)

No part of the appropriations made under the heading 'Contingent Expenses of the Senate' may be expended for per diem and subsistence expenses (as defined in section 5701 of Title 5) at rates in excess of the rates prescribed by the Committee on Rules and Administration; except that (1) higher rates may be established by the Committee on Rules and Administration for travel beyond the limits of the continental United States, and (2) in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate, reimbursement for such expenses may be made on an actual expense basis of not to exceed the daily rate prescribed by the Committee on Rules and Administration in the case of travel within the continental limits of the United States.

II. Incidental Expenses: The following items may be authorized or approved when related to official travel:

1. Commissions for conversion of currency in foreign countries.

2. Fees in connection with the issuance of passports, visa fees; costs of photographs for passports and visas; costs of certificates of birth, health, identity; and affidavits; and charges for inoculations which cannot be obtained through a federal dispensary when required for official travel outside the limits of the United States.

III. Hearing Expenses (committees only)

A. In connection with hearings held outside of Washington, D.C., committees are authorized to pay the travel expenses of official reporters having company offices in Washington, D.C., or in other locations, for traveling to points outside the District of Columbia or outside such other locations, provided:

1. Said hearings are of such a classified or security nature that their transcripts can be accomplished only by reporters having the necessary clearance from the proper federal agencies;

2. Extreme difficulty is experienced in the procurement of local reporters; or

3. The demands of economy make the use of Washington, D.C., reporters or traveling reporters in another area highly advantageous to the Senate; and further provided, that should such hearings exceed five days in duration, prior approval (for the payment of reporters' travel expenses) must be obtained from the Committee on Rules and Administration.

IV. Witnesses Appearing Before the Senate (committees only)

A. The authorized transportation expenses incurred and associated with a witness appearing before the Senate at a designated place of examination pursuant to S. Res. 259, agreed to August 5, 1987, will be those necessary transportation expenses incurred in traveling from the witness' place of residence to the site of the Senate examination and the necessary transportation expenses incurred in returning the witness to his/her residence.

B. If a witness departs from a city other than the witness' city of residence to appear before the Senate or returns to a city other than the witness' city of residence after appearing before the Senate, then Senate committees may reimburse the witness for transportation expenses incurred which are less than or equal to the amount the committee would have reimbursed the witness had the witness departed from and returned to his/her residence. Any deviation from this policy will be considered on a case by case basis upon the written request to, and approval from, the Committee on Rules and Administration.

C. Service fees for the preparation or mailing of passenger coupons for indigent or subpoenaed witnesses testifying before Senate committees shall be considered reimbursable for purposes of official travel.

D. Transportation expenses for witnesses may be charged to the Committee's official centrally billed government travel charge card and paid on direct vouchers to the charge card vendor. Additionally, per diem expenses for indigent witnesses may be charged to the Committee's official government charge card and paid on direct vouchers to the charge card vendor.

V. Regulations Governing Payments and Reimbursements from the Senate Contingent Funds for Expenses of Senate Committees and Administrative Offices

(Adopted by the Committee on Rules and Administration on July 23, 1987, as authorized by S. Res. 258, 100th Congress, 1st session, these regulations supersede regulations adopted by the Committee on October 22, 1975, and April 30, 1981, as amended.)

Section 1. Unless otherwise authorized by law or waived pursuant to Section 6, herein, no payment or reimbursement will be made from the contingent fund of the Senate for any official expenses incurred by any Senate committee (standing, select, joint, or special), commission, administrative office, or other authorized Senate activity whose funds are disbursed by the Secretary of the Senate, in excess of $50, unless the

voucher submitted for such expenses is accompanied by documentation, and the voucher is certified by the properly designated staff member and approved by the Chairman or elected Senate Officer. The designation of such staff members for certification shall be done by means of a letter to the Chairman of the Committee on Rules and Administration. ''Official expenses,'' for the purposes of these regulations, means ordinary and necessary business expenses in support of a committee's or administrative office's official duties.

Section 2. Such documentation should consist of invoices, bills, statements, receipts, or other evidence of expenses incurred, and should include ALL of the following information:

a) date expense was incurred;

b) the amount of the expense;

c) the product or service that was provided;

d) the vendor providing the product or service;

e) the address of the vendor; and

f) the person or office to whom the product or service was provided.

Expenses being claimed should reflect only current charges. Original copies of documentation should be submitted. However, legible facsimiles will be accepted.

Section 3. Official expenses of $50 or less must either be documented or must be itemized in sufficient detail so as to leave no doubt of the identity of, and the amount spent for, each item. However, hotel bills or other evidence of lodging costs will be considered necessary in support of per diem expenses and cannot be itemized.

Section 4. Documentation for services rendered on a contract fee basis shall consist of a contract status report form available from the Disbursing Office. However, other expenses authorized expressly in the contract will be subject to the documentation requirements set forth in these regulations.

Section 5. No documentation will be required for the following expenses:

a) salary reimbursement for compensation on a ''When Actually Employed'' basis;

b) reimbursement of official travel in a privately owned vehicle;

c) foreign travel expenses incurred by official congressional delegations, pursuant to S. Res. 179, 95th Congress, 1st session;

d) expenses for receptions of foreign dignitaries, pursuant to S. Res. 247, 87th Congress, 2nd session, as amended; and

e) expenses for receptions of foreign dignitaries pursuant to Sec. 2 of P.L. 100–71 effective July 11, 1987.

Section 6. In special circumstances, the Committee on Rules and Administration may require documentation for expenses incurred of $50 or less, or authorize payment of expenses incurred in excess of $50 without documentation.

Section 7. Cash advances from the Disbursing Office are to be used for travel and petty cash expenses only. No more than $5000 may be outstanding at one time for Senate committees or administrative offices, unless otherwise authorized by law or resolution, and no more than $300 of that amount may be used for a petty cash fund. The individual receiving the cash advance will be personally liable. The Committee on Rules and Administration may, in special instances, increase these non-statutory limits upon written request by the Chairman of that committee and proper justification.

Section 8. Documentation of petty cash expenses shall be listed on an official petty cash itemization sheet available from the Disbursing Office and should include ALL of the following information:

a) date expense was incurred;

b) amount of expense;

c) product or service provided; and

d) the person incurring the expense (payee).

Each sheet must be signed by the Senate employee receiving cash and an authorizing official (i.e., someone other than the employee(s) authorized to certify vouchers). Original receipts or facsimiles must accompany the itemization sheet for petty cash expenses over $50.

Section 9. Petty cash funds should be used for the following incidental expenses:

a) postage;

b) delivery expenses;

c) interdepartmental transportation (reimbursements for parking, taxi, subway, bus, privately owned automobile (p.o.a.), etc.;

d) single copies of publications (not subscriptions);

e) office supplies not available in the Senate Stationery Room; and

f) official telephone calls made from a staff member's residence or toll charges incurred within a staff member's duty station.

Petty cash funds should not be used for the procurement of equipment.

Section 10. Committees are encouraged to maintain a separate checking account only for the purpose of a petty cash fund and with a balance not in excess of $300.

Section 11. Vouchers for the reimbursement of official travel expenses to a committee chairman or member, officer, employee, contractor, detailee, or witness shall be accompanied by an ''Expense Summary Report—Travel'' signed by such person. Vouchers for the reimbursement to any such individual for official expenses other than travel expenses shall be accompanied by an ''Expense Summary Report—Non-Travel'' signed by such person.

APPENDIX A: THE FEDERAL TORT CLAIMS ACT

Pursuant to the provisions of S. Res. 492, agreed to December 10, 1982, the Sergeant at Arms has the authority to consider and ascertain and, with the approval of the Committee on Rules and Administration, determine, compromise, adjust, and settle, in accordance with the provisions of chapter 171 of Title 28, United States Code (The Federal Tort Claims Act), any claim for money damages against the United States for injury of loss of property or personal injury or death caused by negligent or wrongful act or omission of any Member, Officer, or Employee of the Senate while acting within the scope of his/her employment. Any compromise, adjustment, or settlement of any such claim not exceeding $2,500 shall be paid from the contingent fund of the Senate on a voucher approved by the Chairman of the Committee on Rules and Administration.

Payments of awards, compromises, or settlements in excess of $2,500 are obtained by the agency by referring the award, compromise, or settlement to the General Accounting Office for payment.

Appropriations or funds for the payment of judgments and compromises are made available for payment of awards, compromises, and settlements under the Federal Tort Claims Act.

However, any award under the Federal Tort Claims Act in excess of $25,000 cannot take effect except with the prior written approval of the Attorney General.

VOTE EXPLANATION

Mr. WARNER. Mr. President, I rise today to discuss my absence today during rollcall vote No. 274. The vote was in reference to Executive Calendar No. 907, the nomination of Andrew von Eschenbach of Texas to be Commissioner of the Food and Drug Administration. I had to be necessarily absent from this vote so that I could attend and speak to an international conference in England sponsored by the Ditchley Foundation to discuss the steps required to eradicate worldwide terrorism.

COMMEMORATING THE 65TH ANNIVERSARY OF PEARL HARBOR

Mr. KOHL. Mr. President, today I rise to commemorate the 65th anniversary of the bombing of the Pearl Harbor naval base, a dark day in our country's rich history, brightened only by the courage and resolve of Americans soundly united to fight tyranny and bring order to chaos.

We honor the memory of the service men and women and civilians who fell defending our shores that day, and pay tribute to the thousands who would survive to rebuild, rearm, and lead our war effort abroad. Millions of Americans, young and old, would join these brave men and women in factories, mills, in tanks and in trenches fighting under one flag for a common goal.

President Roosevelt's day of infamy has lived on in the minds of those who bore witness to that day and in the hearts of the generations who have followed. Every soldier, sailor, airman, and marine, fighting with our flag on their shoulder, has been passed the strength and courage of the service men and women that came before them. Every generation's sacrifice is selfless and precious.

On this anniversary, let us remember properly those who have served our country in times of conflict and peace and those serving our country today.

UNITED STATES CAPITOL HISTORICAL SOCIETY'S 2006 FREEDOM AWARD

Mr. WARNER. Mr. President, I seek recognition today to congratulate national political correspondent and syndicated columnist David S. Broder on being awarded the U.S. Capitol Historical Society's 2006 Freedom Award.

This award, presented annually by the Capitol Historical Society since 1993, recognizes and honors individuals and organizations that have advanced greater public understanding and appreciation for freedom as represented by the U.S. Capitol and Congress.

Following the presentation of the award to Mr. Broder, retiring Architect of the Capitol Alan M. Hantman's official portrait was also unveiled. Both of these men made brief statements. I ask unanimous consent to print in the RECORD the following thoughtful remarks.

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

DAVID S. BRODER, 2006 UNITED STATES CAPITOL HISTORICAL SOCIETY FREEDOM AWARD RECIPIENT, NOVEMBER 29, 2006

It is an honor to stand in this room, where so much history has been made. I appreciate the United States Capitol Historical Society for inviting Ann and me for this ceremony, and thank you for the privilege of being your speaker. I have been coming up here for more than 50 years now, since I was hired as a reporter by Congressional Quarterly, and every time I come up Pennsylvania Avenue and see that magnificent dome, my heart beats a little faster.

This building is majestic—far more so than the White House at the other end of the avenue. But even more impressive over the

years have been the men and women sent here from 50 states and 435 districts to struggle with the responsibilities imposed by Article I of our Constitution.

Article I—because the legislative branch is fundamental to our system of representative government. George Mitchell, when he was the Senate majority leader, had a speech passage I heard him deliver many times.

Senator Mitchell said, ''We have had executives from the very beginning of human society, whether we called them kings or emperors or dictators. But democracy began when the Parliament established its independence from the crown, and an independent legislature has always been the best guarantor of freedom.''

We need to remember that—all of us, including those of us in the press. And we need to treat the Congress as respectfully and carefully as we do the president. I am not suggesting that there is something wrong with close scrutiny of congressional ethics—of the relations between lawmakers and interest groups, or legislative practices such as earmarks that steer money to favored individuals or groups.

But there ought to be parity. We know that presidents and vice presidents accept entertainment from people with large interests in government policy, and they raise large campaign contributions from them. We know that the White House and Cabinet departments steer money to their own favored constituencies and politically vital areas—but we're somehow less outraged by it. And we often let the president, whichever party he may be, grab the credit for a notable achievement at a bill-signing ceremony, even when we know that the hard work has been done by legislators, often with little help or even active opposition from the executive.

I have written—and I firmly believe—that Congress does more for the press, with its hearings and with the myriad individual briefings and conversations between lawmakers and their aides and reporters, than any other part of government—and generally receives less consideration from the press in return.

One reason that Congress as an institution usually lags behind the president in public approval—no matter how high or low he may be at any given moment—is that Congress has no one who speaks for it as an institution, while the president has many spokesmen, all delivering the same message on any given day.

But also, the process that makes Congress work when it is working well is a process of slow negotiation and compromise, and the tendency in the press, even in so-called establishment news organizations, is to treat these incremental, process stories as boring—so readers and viewers have little idea what is happening in the day-to-day work of the Congress. But I would be less than honest if I did not also acknowledge that members of Congress themselves find fault with the working of the legislative branch.

During this past year, I have heard more concern—and more criticisms—from members of both parties than I can ever recall. The public may have been saying earlier this month, ''We're mad as hell and we're not going to take it any more.'' But I was hearing the same thing from inside these halls for many months before Election Day. I would not attempt to catalogue all the frustrations. But I have come to believe that many of them are rooted in a structural problem in our politics for which we have not found a solution.

Most of the political reform efforts in the past three decades have aimed at the issue of money in politics. A few have had useful effects. Reporting of contributions and spending is now clearer and prompter. Also, I think it healthy that members of Congress may no longer pick up the phone and ask individuals or groups directly for six-figure donations to their parties. But most of these campaign finance reform efforts have been futile, when it comes to reducing the influence of money on elections, or the burden on candidates and officeholders in raising it.

Meantime, another problem has grown far more serious—and is essentially unchecked. The introduction of computer technology to the drawing of district lines in state legislatures has changed the Congress in ways that are detrimental to its health. So precise are the measurements now available to the politicians drawing the lines that even in a year of political upheaval, such as this one, a tiny fraction of the House seats are really contested.

We saw a big turnover in the House this year, but about 375 of the 435 members had no contest to speak of. What that means is that the part of the national government that was designed by the founders to reflect most immediately even slight shifts in public sentiment has now become the part most immune to change. And that, in turn, has changed the dynamics of the House for the worse.

The inclination of members from safe districts is to play to their political base—whichever group or ideology that may be—and not look outside the base for allies or partners in legislation. We have seen that tendency among Republicans during their years of control, and we may now witness it among Democrats.

In either case, it tends to make the House a more polarized place—and less representative of the broad center of American politics—than it could be or should be. I do not know the answer to this problem. The Supreme Court has declined to deal with political gerrymandering. The voters in Ohio and California, when offered initiatives to take the line—drawing authority away from the politicians in the legislature and place it in more neutral hands, have said no.

It is not clear where to turn, but I would argue that this issue—rather than further refinements of the campaign finance system—should be at the top of the reform agenda. Perhaps, California Gov. Arnold Schwarzenegger and the Democratic legislature will revisit the question next year, with some hope of finding a bipartisan compromise for a reform that could serve as a model for other states.

Meantime, as Donald Rumsfeld might put it, we go to war again come January with the Congress that we've got. I am encouraged by the quality of some of the people in both parties I met who were successful challenger candidates in this election. But I am also keenly aware that, as always happens in a wave election, some of the losers were people of genuine talent and ability whose absence will be keenly felt.

Most of those who are sworn in here in January will have more time ahead of them in office than the president has remaining in his term. One can hope that they will bring that long-term perspective to their work, and make the fight for freedom and justice their goal, rather than the next election. When people continually express low levels of trust in Congress, it is not just a problem for the party in power. It is a reflection on our whole system of representative government—the greatest blessing a free people has ever enjoyed.

HON. ALAN M. HANTMAN, FAIA, ARCHITECT OF THE CAPITOL, UNITED STATES CAPITOL HISTORICAL SOCIETY—OFFICIAL PORTRAIT CEREMONY, NOVEMBER 29, 2006

Thank you, Chairman Ehlers, Senator Stevens, and the Joint Committee on the Library for accepting my portrait into the Capitol art collection, and thank you, Congressman Sarasin, for that generous introduction. And I truly mean thank you.

I thank you and the United States Capitol Historical Society, not only for the great honor paid to me in commissioning this wonderful portrait and presenting it to the United States Congress, but also for being such an integral part of life here on Capitol Hill.

Thank you for serving as the institution that consistently steps back from the day-to-day issues and taking the long view—the historical perspective so important for putting things in the context of the big picture of what we are all about in this great democracy of ours.

The concept of the Freedom Award, so appropriately presented to David Broder this evening, highlights for us the underlying basics of freedom, democracy, and representative government—the very foundations upon which our country is built. Congratulations, Mr. Broder.

In looking at the mosaic of the past 10 years, I think about the momentous changes we have seen here on Capitol Hill. In fact, change appears to be the only constant on the Hill.

As the tenth Architect of the Capitol, I have been acutely aware of my stewardship responsibilities for the national treasures under my care. The fundamental, yet very challenging responsibilities of preserving and enhancing the more than 300 acres of grounds and 15 million square feet of buildings were critically impacted by post-9/11 security requirements—and, in this respect we have, unfortunately, lost much of our innocence as we try to strike the right balance between security and openness.

The need to welcome visitors respectfully to ''the People's House,'' to protect the Congress, the visitors, and the Capitol itself, are the underlying reasons for constructing the new Visitor Center. It is the Capitol's ninth increment of growth in its 213 year history and, as Ron stated, increases its overall size by another 70 percent.

The completion of the Capitol Visitor Center next year will enable the millions who visit each year to be screened respectfully and safely hundreds of feet from the Capitol. They will be welcomed into a building that complements the Capitol itself in its use of similar stonework, other quality materials, and well-proportioned spaces that will stand the test of time. Orientation films and a major exhibition area showcasing artifacts and documents that highlight the flow of our history and the aspirations of our nation will prepare those visitors to tour the Capitol itself. These exhibits offer the opportunity to learn about the Congress and, hopefully, inspire young and old to get more involved in their government.

I take great pride in this historic project and am honored to work with the many hundreds of dedicated professionals and tradesmen and women committed to bringing it to fruition next year.

As Congressman Sarasin mentioned, the Capitol Visitor Center is only one of the many AOC projects across Capitol Hill, such as the ongoing Supreme Court renovation, the many security and fire and life-safety projects, the Power Plant modernization, and the recently-dedicated National Garden project, and many projects for the Library of Congress, among others. Integral to the success of these projects and the day-to-day operations here on the Hill are the 2,000 people who make up the Office of the Architect of the Capitol.

Each person on this hard-working team takes great pride in their work and the many contributions they make every day maintaining and operating this city within a city.

Together, we have transformed this Agency over the last 10 years into a cohesive and professional team that efficiently and effectively supports and serves the Congress; an Agency which will continue to do so for generations to come. It is the people of the AOC that are the heart of this organization and I am so very proud to have led the AOC team through these challenging years of growth and change. I want to thank each person for their dedication and commitment to excellence. There are some people here tonight who have gone on to other places—I thank you for your service to the AOC and the Congress. There are also many of you here tonight who will continue on with our mission, working with our Chief Operating Officer Stephen Ayers and the next Architect of the Capitol to continue our efforts as good stewards of these national treasures. I wish you all well and I know that you will continue to make me proud going forward.

I would also like to congratulate and thank Michael Shane Neal for this truly sensitive portrait, including his rendition of Thomas Ustick Walter's Dome, and the Frederick Law Olmsted lantern as the framing elements of this work.

These were, of course, designed and built by those who went before us—but they speak strongly to the continuity of the Congress as our country has continued to grow, and the needs of the Capitol have continued to evolve.

When Shane and I discussed possible settings for the portrait, he photographed many alternative locations, but we ultimately agreed that the symbolic action of my descending the steps into the new Capitol Visitor Center with the Dome and the lantern in the background would enhance this sense of continuity.

I thank you, Shane, not only for being the fine artist that you are, but also for your patience during multiple sittings and the gracious hospitality you and Melanie extended to Roz and me on our visit to your studio in Nashville. I also would like to extend a special thank you to our Curator, Barbara Wolanin, for assisting with the initial selection of Shane and for lending her keen eye throughout the process.

As I look around this stately room that has itself witnessed so many historic events, I see the faces of many people who have been so important to me as Architect of the Capitol, as a member of the Congressional, Washington, D.C., and professional architectural communities, those who have been my friends for decades, as well as members of my family who have blessed me with their love and support through both good and difficult times. And, I thank you personally, Senator Warner, for being here this evening and for having championed my candidacy what seems like so many years ago as Chairman of the Senate Rules and Administration Committee.

At a wonderful moment like this, I can't help but think of those who have gone before. . . . of my father who worked nights in the Post Office. We often talked of things past and the possibilities of the future when he came home from work at 5 a.m., and I was still awake cramming for exams. My soft-spoken mother supplemented the family income as a bookkeeper, and enriched our lives through her artwork and her dreams.

I think of Roz's Mom and Dad, who lost so many loved ones in the Holocaust, our grandparents who immigrated here—who came through Ellis Island seeking a better life. I think of their financial struggles and personal sacrifices and the value they placed on strong family ties and education, and am forever grateful for the legacies they have left to Roz and me, our children, and grandchildren.

It is humbling to stand here today and to recognize and appreciate the fact that Roz and I have taken part in the flow of our nation's history in some small way. I am truly honored to follow in the footsteps of the first nine Architects of the Capitol as we unveil this portrait and see it donated by the United States Capitol Historical Society to the collections of the United States Congress.

Thank you all so very, very much.

HONORING OUR ARMED FORCES

CAPTAIN JASON HAMILL

Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to CPT Jason Hamill, U.S. Army, 31, who grew up in Salem, CT.

Nearing the completion of a year-long tour in Bagdad, serving with E Company, 3rd Battalion, 67th Armored Regiment, 4th Infantry Division, Fort Hood, TX, Captain Hamill died of injuries sustained when his military vehicle encountered an improvised explosive device.

Known for his sense of humor and as a bit of a mischief maker, he was a proud family man. He followed in his father's footsteps serving in the military with a deep, strong sense of purpose and belief in what he was doing. Prior to entering the Army, Captain Hamill was a member of ROTC at the University of Connecticut earning the respect of his fellow members and classmates, as well as his engineering degree. He lived as a true patriot and defender of our great Nation's principles of freedom and justice serving in Afghanistan and Kosovo in addition to Iraq.

Captain Hamill is a true example of the powerful American spirit that permeates this Nation's history. He served as a messenger of high justice and idealism in the best tradition of American principles and patriotism. I am both proud and grateful that we have the kind of fighting force exemplified by Captain Hamill serving in the Persian Gulf—and the strong families back at home sending their love and support.

He was a credit to his family, his community, his service, and his country. Our Nation extends its heartfelt condolences to his wife, Karen, who he just married last year, and his parents, Sharon and Richard. We extend our appreciation for sharing this outstanding soldier with us, and we offer our prayers and support. You may be justifiably proud of his contributions which extend above and beyond the normal call of duty.

CORPORAL ADAM A. GALVEZ, USMC

Mr. HATCH. Mr. President, today I rise in solemn tribute to CPL Adam A. Galvez of the Marines who gave his life in the service of his country during the global war on terrorism.

Over the past few weeks, I have had a chance to talk with Adam's mother Amy and his father Tony. They are wonderful people who are truly proud of their son. In speaking with them, I quickly learned just what a hero Adam was.

A lot of people use that word ''hero'' today without thinking about what it really means. I like to define it as an individual doing extraordinary things that serve the greater good. Adam's actions clearly fit the bill.

For example, I understand that a month before his death, Adam was wounded while outside a building with several fellow marines after a suicide bomber detonated an explosive device. The explosion caused the building to collapse. Yet, instead of tending to his own wounds, Adam, began to dig, while under fire, for his fellow marines trapped in the rubble.

That is the mark of a true hero.

Accordingly, I am proud to say that the Salt Lake City Council unanimously voted to name a street in my hometown the ''Adam Galvez Street.'' I cannot think of anything more appropriate.

I also want to acknowledge East High School sophomore Junior Cruz, who as part of his Eagle Scout project came up with the idea of ''Adam Galvez Street'' and saw it through to its fruition.

I am blessed to live in a great State in the greatest country in the world. When I learn about the lives of young heroes such as Adam Galvez, I am reminded that our true greatness lies in the sacrifice of such noble and brave service members.

PRIVATE FIRST CLASS DANIEL G. DOLAN, USA

Mr. President, on this the 65th anniversary of the attack on Pearl Harbor, I rise to pay tribute to a young American who gave his life to ensure that our nation will never be attacked again. That young man's name was PFC Daniel G. Dolan.

Just 1 month before his 19th birthday, Private First Class Dolan joined the Army during a time of war. No doubt due to his professionalism, Private First Class Dolan was assigned to the 3rd Brigade of the 2nd Infantry Division which, of course, is the elite 1st Stryker Brigade. This professionalism was also recognized when he was awarded, posthumously, the Bronze Star, Purple Heart and Combat Infantry Badge.

We, as a nation, are truly blessed to have such young men and women who are willing to serve. Private First Class Dolan's life was short, but from what I have read it was full. I understand that he was an avid hockey player and fan who played for Roy High School and was part of an amateur hockey association. I also been told that standing up for what is right is something that Private First Class Dolan did since childhood, standing up for his little sister and the other children in the neighborhood. Most of all he was a wonderful son to his parents Tim and Fay Dolan.

I believe that his sister Michelle said it best: ''Everyone was proud of him. He just wanted to serve his country, to be there for his country . . . I think he was scared when he went to Iraq, but he really wanted to go and serve us all.''

Such words can only describe a hero.

SECOND LIEUTENANT SCOTT B. LUNDELL, UANG

Mr. President, today I rise to pay tribute to a true American hero, 2LT Scott B. Lundell. Such a description is appropriate to describe Lieutenant Lundell, who was killed in an ambush while training an Afghan Army patrol in Oruzgan Province, Afghanistan.

Lieutenant Lundell was by all accounts a first-rate officer. He had risen through the ranks, first enlisting in 2004 at the age of 32 in the Utah National Guard's 19th Special Forces Group and then graduating from Officer Candidate School.

Lieutenant Lundell truly felt a calling to serve, especially after the events of September 11, 2001. I have read that his wife Jeanine remembers that he was not satisfied supporting the war from home but wanted to make a difference overseas, so much so that he did not wait for the next deployment of his unit. Instead he volunteered for his final assignment, training the Afghan military. Upon learning of his passing, Lieutenant Lundell's brother-in-law said, ''He did not die doing what he loved—he died doing what he felt passionately about.''

Lieutenant Lundell believed in the righteousness of cause so much that when the youngest of his four children was born he named her Liberty.

I am humbled that I had the honor to represent such a patriot in this august body.

MAJOR MARTA MALTBY, USAR

Mr. President, I rise to pay tribute to MAJ Marta Maltby, who died of natural causes during her deployment with the 328th Combat Support Hospital at Landstuhl Regional Medical Center in Germany.

This was the second time this intensive care nurse had deployed overseas during a time of war to care for our Nation's wounded. Major Maltby also deployed with the 328th during Operation Deseret Storm. Accordingly, she was awarded the Meritorious Service Medal.

Recently, I was able to spend some time with Major Maltby's mother, during an Army Reserve ceremony that, in part, honored the major. I deeply appreciated this opportunity because I was able to learn just how caring and remarkable a person Marta was, as a daughter, wife, and as mother to two grown children.

As I said at that ceremony, Major Maltby, and the rest of her unit, took a glimmer of hope and made survival and recovery a reality for hundreds of our servicemembers. These are also words that describe a true hero.

Our thoughts and prayers go out to the Maltby family during their time of grieving. May they find solace in knowing that the country appreciates the selfless dedication of their wife, daughter and mother, MAJ Marta Maltby.

RECONCILIATION PROGRAMS

Mr. LEAHY. Mr. President, in fiscal year 2004 I initiated a new fund in the Foreign Operations Appropriations Act entitled ''Reconciliation Programs.'' This fund is managed by the U.S. Agency for International Development's Office of Conflict Management and Mitigation. In fiscal year 2006 it was funded at $15 million, and its purpose is to support reconciliation programs and activities ''which bring together individuals of different ethnic, religious and political backgrounds from areas of civil conflict and war.'' Our intent is to support initiatives of organizations representing groups of people who have been in conflict with each other to promote better understanding and reconciliation.

This is a global program, and the funds have been allocated to support activities in countries in Latin America, Africa, Asia and the Middle East. For reasons that should be obvious, the Israeli-Palestinian conflict is the focus of many organizations in that region that seek to bring representatives of both peoples together to build trust, improve understanding, and find common solutions to the roots of the conflict.

There are dozens of conflicts in the world, and $15 million is too little money to support all the meritorious reconciliation proposals. This is particularly true in the Middle East. USAID has funded several organizations that bring together Israelis and Palestinians, but funding constraints make it impossible to support every deserving organization. This unmet need is the subject of a recent op-ed in the Palestine Times which poses some important questions. I ask unanimous consent that the article by Rabbi Michael Cohen, who has done extraordinary work in this area, be printed in the RECORD.

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

[From the Palestine Times, Dec. 5, 2006]

PALESTINIAN PERMITS AND NGOS

(Rabbi Michael M. Cohen)

The day after Israel observed the 11th anniversary of the murder of Yitzhak Rabin Haaretz summed up the Arab-Israeli conflict, ''After more than six years of continuous fighting, neither side appears to have given up the basic assumption at the beginning of the Intafada. The Palestinians and the Israelis are both still convinced the other side understands only force.''

The latest cease-fire in Gaza, shaky at best with Qassam Rockets still being fired into Israel, is a move in the right direction to quell the use of force by both sides. The truth is that for the past year we have not been moving closer to peace between Israel and the Palestinians. King Abdullah has said more than once that unless there is tangible movement towards peace in the upcoming months this conflict will be cursed to go on for decades.

The Talmud teaches a very profound lesson about the use of force and power. In separate moments the prophets Daniel and Jeremiah question how mighty is God. The Talmud responds with equal audacity by stating that God's might can also be found and experienced when God decides to withhold his might and power! This is a lesson too often lost in this holy corner of the world.

There are scores of NGOs across Israel and the Palestinian Authority working together that understand that force will never translate peace into realty. In the ebb and flow of diplomacy these NGOs provide the only ongoing constant to strengthen the majority of Israelis and Palestinians who desire peace. At one time these organizations could apply for Wye River and Israel Arab Peace Partners Program grants from the US government. These have been cut from the US Budget so, for example, organizations of the Alliance for Peace in the Middle East (ALLMEP) are limited where they can find funds.

When attempts are made by ALLMEP to create a separate fund for NGOs working to end the Arab-Israeli conflict they are told by Congress that countries like Israel, Jordan, Egypt, etc. already get billions in US aid, while other areas of conflict get much less. The only way to create such a fund would be to reduce aid, much of it military, to those countries. One question that was not asked recently of Prime Minister Olmert when he was in Washington was, ''Would you be willing to have a few million dollars that Israel receives shifted to support organizations that work towards reconciliation between Israelis and Palestinians?'' At present the United States is spending $200 million a day for the war in Iraq. Give these NGOs in the Palestinian-Israeli conflict a few hours worth of that spending, and we would see the Palestinian-Israeli conflict end in less than a year.

One of the key ingredients to reconciliation between Israelis and Palestinians is the ability to meet each other. For years now the Arava Institute for Environmental Studies, the premier teaching and research program in the Middle East where future Arab and Jewish leaders are prepared to cooperatively solve the region's environmental challenges, has been unable to get permits for Palestinian students outside of East Jerusalem to study on its campus. This includes students who wish to, ''learn to use the environment as an approach to peacebuilding between Palestinians and Israelis.''

At present the Arava Institute has put together a coalition that includes the office of U.S. Ambassador Richard Jones, USAID, Members of the Knesset Orit Noked and Ami Ayalon, the Middle East Division of the Israel Foreign Ministry, and Gisha: the Center for the Legal Protection of Freedom of Movement. This coalition is working to challenge the Israeli policy of not issuing any new study permits for Palestinians, who have security clearance, and who wish to study in Israel. This policy flies in the face of the Agreement on Movement and Access that was signed last year by the United States, Israel, and the Palestinian Authority. Another question not asked of Prime Minister Olmert, ''Are you willing to end this blanket policy of no new study permits for Palestinians to study in Israel?''

The author David Grossman, who lost his son Uri during the war this past summer, poignantly addressed 100,000 Israelis who gathered on the anniversary of Rabin's murder in Rabin Square. Turning to Prime Minister Olmert he said, ''We have no choice and they have no choice. And a peace of no choice should be approached with the same determination and creativity as one approaches a war of no choice. And those who believe we do have a choice, or that time is on our side do not comprehend the deeply dangerous process already in motion.''

Prime Minister Olmert reached out to Palestinians a few days ago when he spoke at the grave of Ben-Gurion and reiterated his call for the establishment of a Palestinian State next to Israel. We have had enough of words. What we need is peaceful action to

back up such words by both Palestinians and Israelis. An affirmative answer by Prime Minister Olmert to the questions raised above would signal a tangible seriousness about moving the peace process forward, and would show a determination and creativity that is so desperately needed. Similar action will also need to come from the Palestinian side so that both Israeli and Palestinians can move the peace process forward and not backward.

Rabbi Michael M. Cohen is the Director of Special Projects for the Arava Institute for Environmental Studies and can be reached at rabbimichael@arava.org.

DARFUR

Mrs. CLINTON. Mr. President, the crisis in Darfur demands a more robust response. In July 2004, more than 2 years ago, the United States Senate declared genocide in Darfur. As the crisis has continued, as the death toll has mounted, it was hard to believe that the situation on the ground could deteriorate further. Unfortunately, it has, and the realities today are even worse than they were in July 2004.

As many as 4 million civilians have been uprooted from their homes, and by some accounts 400,000 people have been killed. Countless women and young girls are being violently and sexually abused. Escalating violence is forcing the evacuation of many vital relief workers. These realities are well documented. We have United Nations, U.N., reports, State Department reports, reports from our colleagues who have traveled to the region, and countless other reports that tell us what has happened, what is happening, and who may be responsible.

In the face of this crisis, the response of many citizens, officials, relief workers, and journalists has been impressive and inspiring. Their courageous efforts are testimony to the great work that can be done by individuals who act on their moral duty to end atrocities.

The Senate also has taken important steps. We have provided funding to African Union peacekeepers and to humanitarian workers; we have urged NATO assistance; we have encouraged the establishment of a no-fly zone; we have supported sanctions against the perpetrators of violence; we have established Presidential accountability by requiring regular reports on Darfur; and we have demanded the appointment of a Presidential Envoy to Sudan. We must continue to shine a spotlight and to take action wherever possible.

But like many of my constituents, I am disturbed that the killings and rapes and violence continue. I fear that our efforts and those of many Americans are not being complemented by equal efforts from our President. I again urge the administration to be more proactive and to turn the tables on Khartoum.

Khartoum repeatedly has committed to disarm the Jingaweit. In fact, the Government of Sudan committed to do so long ago, in the summer of 2004. To date, this promise remains unfulfilled. And this Spring, Sudanese officials said that U.N. peacekeepers would be allowed into Darfur once a peace deal was agreed. This commitment has been broken also. These abandoned promises may not be surprising in light of Khartoum's long history of intransigence. What is astonishing is that Khartoum has faced few consequences for these massive failures, and worse, that Khartoum still is being allowed to dictate the terms of peacekeeping and humanitarian efforts in Darfur.

I implore the administration to learn from this grim history, and to get one step ahead of the leaders in Khartoum. We must prepare for all scenarios, not just those we seek.

Going forward, our agreements with Khartoum must include some ''teeth'' to incentivize compliance. We should remind Khartoum that we already have good records of the crimes committed in Darfur and of the suspected perpetrators. We also should pursue without delay all points of pressure that have been authorized by the U.N. Security Council. We must demonstrate to Khartoum that continued intransigence will be more painful than cooperation.

As we pursue these measures with Khartoum, we should remind rebel groups that they will be held accountable for violations of international law. In addition, we should work urgently with partners to stabilize eastern Chad and the Central African Republic.

I suspect that history will pass exacting judgment on all parties who have acted insufficiently to end the suffering in Darfur. But history is a long way off for the people of Darfur, and I will continue to work urgently with colleagues towards peace in Sudan and the region. I urge the President to work more proactively to end this unconscionable crisis.

TRIBUTE TO JASON LEE

Mr. WARNER. Mr. President, I rise today to recognize a member of my staff, Jason Christopher Lee, who has been recalled to active Federal service as a member of the United States Army Reserve and will deploy in support of Operation Iraqi Freedom.

Jason joined my staff in February 2005, where he has done a tremendous job serving Virginians out of my Norfolk office. In addition, Jason is attending college at Old Dominion University, where he is maintaining an excellent grade point average while studying communications.

I believe much of Jason's success is due to his distinguished service in the U.S. Army, where he has attained the rank of corporal and is responsible for leading fellow soldiers into battle. This is not the first time Jason has answered the call of duty in support of our country. He has previously served in both Kosovo and Iraq, where he earned the Army Commendation Medal and was recognized as an outstanding soldier. Indeed, Jason was originally scheduled to be discharged from the Army prior to his Iraq tour, but he answered his country's call to arms and was deployed to some of the most dangerous locations in Iraq in 2003 and 2004. Following this period, Jason was honorably discharged from the Army and was placed in the inactive reserve.

Though generals and admirals may be the public face of this war, it is servicemembers, such as Jason, who fill the ranks of our formations, who carry out our Nation's policy on the deadly streets of Iraq, Afghanistan, and elsewhere. They do not complain about the hazardous conditions they face, but go on with the knowledge that this Nation relies on them to fulfill their duty under all conditions. We owe them all a tremendous debt of gratitude for their selfless service.

Jason, I salute your courage and your unending personal sacrifice on behalf of this country. I join your family and friends in wishing you a swift and safe return.

FAREWELL TO THE SENATE

Mr. ALLEN. Mr. President, as the time for my departure from the Senate draws near, on behalf of the greatest blessings in my life, my wife Susan, and my children, Tyler, Forrest, and Brooke, I wish to thank my colleagues for their many courtesies and friendships forged during these past 6 years, and offer a few concluding reflections on our time here together, and the future of our Republic.

Our foremost senior statesman in Virginia, one who served with particular distinction in this body—Harry Byrd Jr.—has observed that, with the exception of the Presidencies of Abraham Lincoln and Franklin Roosevelt, no time in our Nation's history has been witness to more problems and challenges of great magnitude than these past 6 years.

When I arrived here in January 2001, America was at peace—or so we thought. And then on the bright, blue sky morning of September 11, the skies suddenly darkened with clouds of smoke from the Pentagon, and the horrific collapse of the World Trade Center Towers. And our world changed forever.

When I arrived in this body, accompanying a change of Presidential administrations, our challenges were mostly economic—or so we thought. Our prosperity was already slipping, but most forecasts were for a mild downturn in the economy. That changed on September 11 as well.

A cascade of other great challenges soon followed in rapid succession—issues foreign and domestic, challenges locally and nationally, threats manmade and disasters decreed by nature.

Through all of these unprecedented storms, it was our responsibility to make careful, prayerful decisions for the safety, security and prosperity of the people of our country.

I am particularly grateful to the people of the Commonwealth of Virginia for the opportunity to serve here—to give voice to their values and to fight for their future in this, the world's most distinguished body.

We all understand and respect the will of the people—the owners of the government—in our representative democracy that brings us here and that may, at some point, take us away.

Sometimes winds, political and otherwise, can blow the leaves off branches and break branches off trees. But a deep-rooted tree will stand and grow again in the next season.

And, if Providence accords it the right climate and nourishment, that tree will bear fruit for generations to come, and give life to other trees.

I have been honored, first as Governor and now as Senator, to be a part of important initiatives that have borne fruit for the people of Virginia and America.

As Governor, we worked across party lines to accomplish the honest change that Virginians had desired and deserved. We abolished the deceitful, lenient parole laws, brought truth to sentencing, brought violent criminals to justice, and reformed our juvenile justice laws.

Today, the crime rate is down, and thousands of good people are not victims of crime, have not lost loved ones, have not had their lives shattered, because we stood strong for truth and justice, and our reforms bore fruit.

We also brought high academic standards, accountability and new resources to Virginia's education system. We stopped skyrocketing college tuition rates.

Our education reform initiatives quickly became models for other States, and even for this body in enacting education reform legislation for the nation.

These reforms, too, are bearing fruit today. Virginia students are learning more and performing markedly better on both state and national tests. Our schools are no longer engaging in social promotion.

And with investments in higher education from the coalfields with Appalachian School of Law and School of Pharmacy, to the Institute in Danville, to southwest Virginia and Roanoke HEC's, to the Engineering School of VCU, to new leading-edge research at Virginia Tech, George Mason, Hampton and other universities we are equipping young men and women to succeed in the ever-more-competitive global marketplace.

And we replaced dependency with dignity by reforming Virginia's welfare laws. Now, 11 years later, our welfare rolls are still less than half of what they were when I became Governor. Not only has that saved the taxpayers of Virginia hundreds of millions of dollars—the far more important impact is seen in the eyes of children who watch with admiration and respect as their parents go off to productive, rewarding jobs rather than sit at home, collecting a check.

Nothing was more rewarding for me as Governor than to help ignite Virginia's economic renaissance. We sent a message to the world that Virginia was ''open for business''—we lowered taxes, reduced regulations, implemented prompt permitting, and recruited high-technology companies like IBM and Toshiba, Micron and Infineon—now Qimonda—Oracle's east coast campus, and secured billions of dollars in investment in semiconductor fabrication plants for world-class companies.

Before we recruited those companies 10 years ago, there were no computer memory chips manufactured in Virginia. Today, computer memory chips have replaced cigarettes as Virginia's No. 1 manufactured export. We're not just the ''Old Dominion'' anymore; now we're the ''Silicon Dominion!''

When I came to the Senate, my goal was to use this perspective and experience to continue and build on this work. I wanted to bring to our national policies the same emphasis on education and innovation—the same emphasis on economic opportunity—the same emphasis on protecting the safety and security of law-abiding people—the same time-tested values—that had guided my governorship.

I have been able to do that, and I am grateful to many of you for working in partnership with me on so many issues that are vitally important for the lives and safety and prosperity of our citizens.

Our time together has been full of challenge. But despite the broken branches and shattered limbs and lives of 9/11, America has stood strong like a live oak. We have relied on our roots as a freedom-loving nation. Out of these stormy times has grown a new national sense of urgency, resolve and mission. And this new spirit is bearing fruit today, and will for many years to come.

Yes, the people of America have grown impatient with the pace of this progress. It is not easy during prolonged periods of national trial to sustain an attitude of optimism and a sense of purpose. Our foes know this about democracies, and they seek to exploit it. But they will not succeed.

We Americans, of so many faiths and so many backgrounds, share this spirit above all else: We believe in the positive impact that each of us can achieve during our time here on Earth. But our opponents have no such belief. They fear human freedom, and glorify the extinguishing of human life more than the fruitful living of it. They will not succeed in this great struggle because they are only destroyers, and the world belongs to those who create.

The God who gave us life, and who presides over the affairs of all nature and all nations, endowed mankind with a powerful spirit of creation, regeneration, and renewal.

The attackers of 9/11 thought they would kill our spirit, but they only rekindled it. And, despite one of the most unsettled and challenging times in our Nation's history, look at what we have to show for it.

Our economy is displaying unprecedented strength. Unemployment is the lowest it has been in decades. Home values are significantly higher than just a few years ago, and the stock market is at a record high level. The tax burden on our people is at a 20-year low, while Federal tax revenues are at all-time highs, and inflation is under control.

There has not been a single terrorist attack on American soil since 9/11, and numerous major plots have been foiled. The al-Qaida leadership has been decimated, and instead of meeting the enemy here at home, we have taken the fight to them in Afghanistan, Pakistan, and Iraq and in locales that will never be known. Even with the world at war against a lethal enemy of radical terrorist organizations, Americans are safer today than on 9/11.

We must respectfully work with other countries in intercepting finances, creatively collaborating in counterterrorism efforts to thwart and defeat terrorist activity throughout the world.

This war on terror has many fronts. And all of us are deeply concerned about the lack of progress of the war on the Iraqi front. Although our principles and strategic goals have not changed, mistakes have been made and progress has been too slow. We cannot continue to do the same things and expect different results; we must adapt our operations and change our tactics to meet the evolving terrorist threat. And the Iraqi people and their leaders must take control of their destiny.

Let us never forget, however, that our American troops are liberators who have freed a people from a brutal dictator and regime. In so doing, they and their families have made great sacrifices not only for the freedom of Iraqis, but for the security of Americans. They more than anyone understand the consequences of failure in Iraq are far too high. Leaving Iraq as a safe haven for terrorists to launch new attacks will put America in mortal danger. Our troops should come home as soon as possible, but they should come home in victory—not defeat.

This global war on terror is still a work in progress, and much of the work is difficult. But I will leave here in coming days with satisfaction that so many of the crucial steps we took to meet the challenges of the post-9/11 world have worked, and worked well.

The Patriot Act and other new and technologically sophisticated counterterrorism measures designed to protect our homeland are working, and working well.

Our courageous men and women in uniform, an All-Volunteer military that is the most powerful fighting force in the history of the world, is hard at work for us, and working well.

We have also worked well on the domestic front. And I take great personal

satisfaction from progress achieved on some major initiatives designed to make this a land of opportunity for all—measures that will help secure a future of expanding opportunity for our children by making America the world capital of innovation.

One area of focus for me has been preserving the Internet as a tax-free individualized opportunity zone. The Internet is the greatest invention since the Gutenberg Press for the dissemination of information and ideas, and one of America's greatest innovations for economic growth and jobs.

So far the Federal Government has taken the right approach when it comes to the Internet—by basically leaving it alone.

The American private sector is the best steward of the Internet. We just need to leave it alone and let it prosper as an engine for economic progress—and with your help, that is what we have done. But the need for action will return next year, and I hope you will extend internet tax freedom so that avaricious State and local tax commissars are blocked from imposing an average 18 percent tax on monthly Internet access bills.

We also made major progress in a realm few Americans understand, but one that will transform their lives—nanotechnology. Teaming up with my hard-working friend across the aisle, Senator WYDEN, we sponsored and you approved legislation launching the National Nanotechnology Initiative. This is the single largest federally funded, multiagency scientific research initiative since the space program in the 1960s, and the revolutionary technology it yields may well rival the space program in its impact on our society and economy.

You have heard me say many times on this floor that they key to innovation is education, and that we need to educate more scientists and engineers because they are the ones who will design and develop the ground-breaking and life-changing inventions, innovations, and intellectual property of the future.

But today America is not tapping its full potential in math, science, research and innovation. Only 15 percent of those graduating from our engineering schools today are women; only about 6 percent are African-Americans, and about 6 percent are Latinos. That is simply not enough, especially when we are competing with countries that have literally six or seven times our population.

That is why I have worked with senators in both parties, Senators ALEXANDER, ENSIGN, BINGAMAN, and others, as well as the independent-minded Senator LIEBERMAN—for the National Innovation and PACE Acts, which will invest in wide-ranging scientific education and research, induce capable students with scholarships, provide incentives for teachers and researchers, and take other steps to keep America on the leading edge of science and technology.

That is why I have been the lead Republican cosponsor of the Partnership Access to Laboratory Science Act with Senator MENENDEZ, which will provide science education and laboratory grants for students in rural and low-income schools.

And that is why I have led the charge for legislation to help remedy the opportunity divide at America's minority-serving institutions—the HBCUs, Hispanic-serving institutions, and tribal colleges. I am grateful for the Senate's support for this initiative and hope it will very soon become a reality.

All these initiatives I respectfully urge you all to pass and stay with them until they become law. For my part, I will continue to advocate for these incentives and this major national commitment to make sure that the U.S. is indeed the world capital of innovation.

Investing in education and innovation is vital for our global competitiveness, and so is achieving energy independence. In fact, not only is energy independence an economic necessity; it's also a national security imperative. Our dependence on Middle Eastern oil limits our foreign policy options for addressing terrorism, tyranny and related geopolitical issues.

We have made some important strides in accelerating the exploration and development of American energy supplies, including American oil, natural gas, clean coal and nuclear power. And we have made notable progress in hastening the research, development and deployment of economically viable alternative and renewable sources of energy. But here we must all agree that there is far more to be done.

The bottom line is we need more energy explored, produced, and grown in America, so that hundreds of billions of energy dollars stay in America and are reinvested in America's economy for American jobs, American competitiveness, and American national security, instead of having to worry about the whims of some dictator in the Middle East, or some other hostile part of the world.

There are so many ways that what we have done here during the last six years has made a positive impact on the opportunities facing citizens all across our country.

In Virginia, whether it is the major port expansion at Craney Island, or funding for the Advanced and Applied Polymer Processing Institute in Danville, or the effort to assure that new development opportunities at Fort Belvoir are matched by adequate transportation facilities whether it is educational research funding, or new resources for roads and mass transit, or grants to make our communities safer, or in hundreds of other ways we have been able to have a major, positive impact on people's lives all across the Commonwealth of Virginia.

We have also broken down barriers to opportunity. My very first speech on the Senate floor was on behalf of Roger Gregory's appointment as a federal judge on the esteemed Fourth Circuit Court of Appeals that sits in Richmond.

Judge Gregory had been nominated at the end of President Clinton's term, but he did not get a vote, and to become a judge he had to be re-nominated by President Bush. So my first speech was to call on my Senate colleagues to rise above partisanship, rise above process, judge Roger Gregory as a person, and give him the fairness of a vote.

You did so, and as a result, Judge Gregory is serving with distinction on the Fourth Circuit Court of Appeals, the first African American to serve on that esteemed appellate court.

For the good of our country, the Judiciary, and this Senate, I urge you—regardless of the party in power here and at the other end of Pennsylvania Avenue—to end the obstructionist practices that deny judicial nominees, or other nominees, the fairness of an up or down vote, and that deny the American people the accountability that the advice-and-consent process should afford.

Miguel Estrada was a victim of this unfair obstructionism, although a majority of Senators supported his confirmation. Let John Bolton be the last victim of these unfair, obstructionist practices.

Our Constitution provides a better way; let's follow it.

Finally, during these times of war, we are all keenly aware of the sacrifice made by the men and women serving in our Armed Forces and their families. Virginia is home to more people serving in uniform than all but a handful of states, and so when a loved one is lost, we feel the pain very directly, very personally. A grateful nation must support the families of those who have fallen in defense of our liberty. That is why I introduced a bill in the first hours of the first days of this 109th Session to increase the military death benefit from the paltry amount of $12,420 to $100,000. I thank you for passing it, and I thank the President for signing it.

At each step of the way, on this measure and so many others, I have never worked alone. Always at my side, as a partner—but even more as a gracious mentor, wise counsel, constant encourager, occasional correcter, and unwavering friend—has been our state's senior Senator, JOHN WARNER.

He has been the epitome of the Virginia gentleman, the model of an honest, hard-working Senator, and most of all, a true and loyal friend. I will leave here enriched immeasurably by this latest and best chapter in our partnership of several decades.

My friends and colleagues, as I prepare to take my leave, I am humbled and so grateful for the tremendous honor and privilege that has been accorded to me by the people of Virginia. I am also full of gratitude for the opportunity to serve with you and for the many courtesies you have extended to Susan and me along the way.

I leave with many new and enduring friendships, with some valuable lessons learned, with unrestrained optimism about the potential of America, about our nation's future, and with pride in our accomplishments together.

My friends, don't let these challenging times along our national journey divert your focus from what truly matters.

The tree of American liberty is as strong as ever. Our roots run deep to a wellspring of values as old as our Republic, indeed much older still.

Four hundred years after our Nation's beginning at Jamestown, we are still in the springtime of our life as a nation. Still planting seeds and bearing fruit. Still growing and creating. Still inspiring and innovating. Still providing light and hope for people around the world seeking to escape the chains of tyranny, and embrace the blessings of liberty.

Indeed, the sun is still rising on a bright American morning!

And if we will keep the faith, no matter the challenges or choices, generations to come will remember and think well of us, for this: We never gave up. We never backed down, and, we always stood strong for freedom.

REMARKS TO THE GERMAN MARSHALL FUND CONFERENCE

Mr. LUGAR. Mr. President, I ask unanimous consent that my remarks, delivered in a keynote address at the German Marshall Fund conference on Monday, November 27, in Riga, Latvia, in advance of the NATO Summit, be printed in the RECORD.

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

Thank you, Madam President [Dr. Vaira Vike-Freiberga, President of the Republic of Latvia]. I appreciate your thoughtful introduction and your generous hospitality. It is a pleasure to be back in Riga and to deliver the keynote address here at this important German Marshall Fund conference. This conference and the participants it has drawn are evidence of the deep respect the Fund merits throughout Europe and North America.

In 1991 NATO stood at a crossroads. With the collapse of the Soviet Union and the Warsaw Pact, the Alliance could have declared victory and disbanded. Instead, NATO chose to adapt to the new security environment and build on its legacy of being the most successful security and defense organization in history.

Since that time, we have welcomed ten new members into the Alliance and have begun a dramatic transformation of our military capabilities. We have also undertaken missions in the Balkans and Afghanistan that have extended the purpose of the Alliance beyond the territorial defense of its membership. However, while NATO is busier than ever, these activities do not guarantee that the Alliance will remain strong and relevant.

For nearly half a century, NATO was oriented toward defending against an attack from the East by Warsaw Pact forces. Today, NATO's posture is influenced by emerging threats such as the proliferation of weapons of mass destruction, rogue states, terrorism, and genocide. The security threats of the 21st century require NATO members to deploy forces rapidly over long distances, sustain operations for extended periods of time, and operate jointly as trans-Atlantic partners with the United States in high intensity conflicts. To be fully relevant to the security and well being of the people of its member nations, NATO must think and act globally.

THE TEST OF AFGHANISTAN

This is evident in the NATO mission in Afghanistan. That country presents a difficult environment, but NATO must be resourceful, resilient, and ultimately successful. The September 11 attacks were planned in Afghanistan, al-Qaeda still operates there, and the fate of the country remains inexorably tied to the Alliance. NATO's International Security and Assistance Force (ISAF) is responsible for security operations throughout all of Afghanistan.

In recent months, Taliban attacks have occurred with greater frequency, coordination, and ferocity. They have extended well beyond the South and East, where most of the fighting has been located. Although the hunt for al-Qaeda terrorists continues, the primary threat to the stability of Afghanistan is Taliban insurgents who are challenging ISAF in greater numbers, sowing dissent among Afghanis, cooperating with the bourgeoning narcotics trade, and complicating security efforts in ways that inhibit the rule of law and reconstruction.

If the most prominent alliance in modern history were to fail in its first operation outside of Europe due to a lack of will by its members, the efficacy of NATO and the ability to take joint action against a terrorist threat would be called into question. Moreover, Afghanistan has a legitimately elected government and a long-suffering people, both of which deserve a chance to succeed without the threat of violent upheaval.

It is imperative that NATO fulfills its commitments to Afghanistan. The Alliance has found it difficult to generate the political will to meet NATO objectives. The reluctance in capitals to grant NATO requests for troops and resources have complicated this process. Despite months of intensive discussions, Supreme Allied Commander/Europe, General Jim Jones, disclosed in September that NATO was 2,500 troops short of the minimal commitment requested for ISAF. These troops did not materialize until General Jones and other NATO leaders publicly put Alliance nations on the spot for these shortfalls.

Afghanistan has become a test case for whether we can overcome the growing discrepancy between NATO's expanding missions and its lagging capabilities. NATO commanders must have the resources to provide security, and they must have the flexibility to use troops to meet Afghanistan's most critical security needs. Unfortunately, NATO capitals are making the military mission even more difficult by placing national caveats on the use of their forces. These restrictions, coupled with troop shortages, are making ISAF a less cohesive and capable force.

Similar problems are plaguing the NATO Response Force (NRF), which is slated to be NATO's expeditionary fighting unit. As is often the case, the lack of transport capabilities is a glaring deficiency. I am hopeful that the plan to establish a fleet of C–17s under the command and control of NATO succeeds. To overcome these challenges and similar ones, we must reverse the downward spiral of defense budgets. Only a handful of members spend more than 2 percent of their gross domestic product on defense. Good intentions can only carry a military force so far—the NRF and other NATO assets must have the equipment, training, and resources to fulfill their mission.

I believe strongly that NATO is capable of meeting the challenge in Afghanistan. NATO commanders have demonstrated that they understand the complexity of the mission. They know that success in Afghanistan depends on the attitudes of the people, the progress of reconstruction, the development of the economy and the building of civil institutions that can deal with the narcotics trade, as much as it depends on battlefield victories.

Most Afghanis have welcomed the advances in personal freedom, political participation, and educational opportunities that have come during the last five years. The recent increase in violence in Afghanistan clearly is not evidence of a popular uprising. But to the degree that there is discontent, disillusionment, or fear among the Afghan people due to their security situation, trust in the Afghan government and NATO will dissipate. Insecurity stemming from insurgent activity by Taliban forces has also caused Afghanis in some regions to seek the protection of tribal leaders and warlords, which in turn undercuts the authority of the Afghan government and increases the risk of civil conflict between tribal factions. Given these dynamics, we must dispel any doubts about the commitment of NATO and the West to Afghanistan's emergence as a stable and free society.

THE CENTRALITY OF ENERGY

NATO's challenges continue to come in new formations. We have to understand not only the military configuration of threats before us, but also the likely basis for future conflict. The NATO alliance has been successful, not because it fought wars, but because it prevented them. If the NATO alliance is to be fully relevant to the security of its members, it must expand beyond the mission of military defense and begin to think about how to prevent the conditions that will lead to war.

In the coming decades, the most likely source of armed conflict in the European theater and the surrounding regions will be energy scarcity and manipulation. It would be irresponsible for NATO to decline involvement in energy security, when it is abundantly apparent that the jobs, health, and security of our modern economies and societies depend on the sufficiency and timely availability of diverse energy resources.

We all hope that the economics of supply and pricing surrounding energy transactions will be rational and transparent. We hope that nations with abundant oil and natural gas will reliably supply these resources in normal market transactions to those who need them. We hope that pipelines, sea lanes, and other means of transmission will be safe. We hope that energy cartels will not be formed to limit available supplies and manipulate markets. We hope that energy rich nations will not exclude or confiscate productive foreign energy investments in the name of nationalism. And we hope that vast energy wealth will not be a source of corruption within nations that desperately ask their governments to develop and deliver the benefits of this wealth broadly to society.

Unfortunately, our experiences provide little reason to be confident that market rationality will be the governing force behind energy policy and transactions. The majority of oil and natural gas supplies and reserves in the world are not controlled by efficient, privately owned companies. Geology and politics have created oil and natural gas superpowers that nearly monopolize the world's oil supply. According to PFC Energy, foreign governments control up to 79 percent of the world's oil reserves through their national oil companies. These governments set

prices through their investment and production decisions, and they have wide latitude to shut off the taps for political reasons.

The vast majority of these oil assets are afflicted by at least one of three problems: lack of investment, political manipulation, or the threat of instability and terrorism. As recently as four years ago, spare production capacity exceeded world oil consumption by about ten percent. As world demand for oil has rapidly increased in the last few years, spare capacity has declined to two percent or less. Thus, even minor disruptions of oil supply can drive up prices. Earlier this year, a routine inspection found corrosion in a section of BP's Prudhoe Bay oil pipeline that shut down 8 percent of U.S. oil output, causing a $2 spike in oil prices. That the oil market is this vulnerable to something as mundane as corrosion in a pipeline is evidence of the precarious conditions in which we live.

Within the last year and a half, the international flow of oil has been disrupted by hurricanes, unrest in Nigeria, and continued sabotage in Iraq. Al-Qaeda and other terrorist organizations have openly declared their intent to attack oil facilities to inflict pain on Western economies. We should also recognize that NATO members are transferring hundreds of billions of dollars each year to some of the least accountable, autocratic regimes in the world. The revenues flowing to authoritarian regimes often increase corruption in those countries and allow them to insulate themselves from international pressure and the democratic aspirations of their own peoples. As large industrializing nations such as China and India seek new energy supplies, oil and natural gas may not be abundant and accessible enough to support continued economic growth in both the industrialized West and in large rapidly growing economies. In these conditions, energy supplies will become an even stronger magnet for conflict.

Under the worst case scenarios, oil and natural gas will be the currency through which energy-rich countries leverage their interests against import dependent nations. The use of energy as an overt weapon is not a theoretical threat of the future; it is happening now. Iran has repeatedly threatened to cut off oil exports to selected nations if economic sanctions are imposed against it for its nuclear enrichment program. Russia's shut off of energy deliveries to Ukraine demonstrated how tempting it is to use energy to achieve political aims and underscored the vulnerability of consumer nations to their energy suppliers. Russia retreated from the standoff after a strong Western reaction, but how would NATO have responded if Russia had maintained the embargo? The Ukrainian economy and military could have been crippled without a shot being fired, and the dangers and losses to several NATO member nations would have mounted significantly.

We are used to thinking in terms of conventional warfare between nations, but energy could become the weapon of choice for those who possess it. It may seem to be a less lethal weapon than military force, but a natural gas shutdown to a European country in the middle of winter could cause death and economic loss on the scale of a military attack. Moreover, in such circumstances, nations would become desperate, increasing the chances of armed conflict and terrorism. The potential use of energy as a weapon requires NATO to review what Alliance obligations would be in such cases.

ENERGY AS AN ARTICLE FIVE COMMITMENT

We must move now to address our energy vulnerability. Sufficient investment and planning cannot happen overnight, and it will take years to change behavior, construct successful strategies, and build supporting infrastructure.

NATO must determine what steps it is willing to take if Poland, Germany, Hungary, Latvia or another member state is threatened as Ukraine was. Because an attack using energy as a weapon can devastate a nation's economy and yield hundreds or even thousands of casualties, the Alliance must avow that defending against such attacks is an Article Five commitment. This does not mean that attempts to manipulate energy for international political gain would require a NATO military response. Rather, it means that the Alliance must commit itself to preparing for and responding to attempts to use the energy weapon against its fellow members. NATO must become a reliable refuge for members against threats stemming from their energy insecurity. If this does not happen, the Alliance is likely to become badly divided as vulnerable members seek to placate their energy suppliers. In fact, no issue in the history of NATO is so likely to divide the alliance in the absence of concerted action.

Article Five of the NATO Charter identifies an attack on one member as an attack on all. Originally envisioned to respond to an armed invasion, this commitment was the bedrock of our Cold War alliance and a powerful symbol of unity that deterred Warsaw Pact aggression for nearly fifty years. It was also designed to prevent coercion of a NATO member by a non-member state. We should recognize that there is little ultimate difference between a member being forced to submit to foreign coercion because of an energy cutoff and a member facing a military blockade or other military demonstration on its borders.

In preparing for such a commitment, NATO leaders should develop a strategy that includes the re-supply of a victim of an aggressive energy suspension. How would the Alliance shift energy supplies and services to a member under such an attack? What steps can NATO take now to ensure that we have the infrastructure in place to respond to such an attack? What steps are needed to diversify our energy sources and supply routes to deter the use of energy as a weapon? Alternatives to existing pipeline routes must be identified and financial and political support for the development of alternative energy sources is crucial. A coordinated and well-publicized Alliance response would be a deterrent that would reduce the chances of miscalculation or military conflict. It would also provide a powerful incentive for Member states to remain in the Alliance and for prospective members to accelerate reforms necessary to qualify for membership.

The energy threat is more difficult to prepare for than a ground war in Central Europe. Troops, equipment, and supplies can move along highways and over difficult terrain. Energy supplies do not enjoy the same freedom of movement. Developing a logistical response to an energy cutoff will prove a complex challenge.

My friend, Mark Grossman, the former U.S. Under Secretary of State for Policy, has proposed reviving the REFORGER exercises of the Cold War. These exercises were carried out to prepare for the massive troop and equipment re-supply mission that would be required to thwart a Soviet attack. A new REFORGER should focus on how the Alliance would supply a beleaguered member with the energy resources needed to withstand geo-strategic blackmail. This will not be easy or comfortable for the Alliance. Members will be required to tighten their belts and make hard choices. But, if we fail to prepare, we will intensify our predicament.

Beyond constructing strong alliance commitments related to energy, NATO must engage Russia and other energy rich nations. I advocate establishing regular high-level consultations between Russia and NATO on energy security. The economic and political situation in Russia is intensely influenced by the price of energy. Moscow is banking on big returns from its energy sector indefinitely into the future. But the fickleness of energy markets affects not only consumers, but producers.

I believe that Russia has a long-term interest in achieving a more prosperous stability that comes with greater investment in its energy sector and the development of a reputation as a trusted supplier. But its recent actions to temporarily reduce gas supplies to the West, confiscate some foreign energy investments, and create further barriers to new investment are undermining confidence in Moscow's reliability. This trend is likely to have unintended repercussions for Russia. Even now, Russians are feeling the effects of inadequate investment in their energy sector. Russia boasts the world's largest reserves of natural gas, but this winter it could face gas shortages of its own. Russia has not contended with investment problems in its natural gas industry, and its artificially low domestic gas prices have undermined the development of efficiency measures that are commonplace in the West. Russia now requires gas imports from Central Asia, which it sells at a premium to Europe. Yet if growing domestic demand in Russia outstrips stagnating production and Central Asian imports, as some commentators predict, the Kremlin will face the difficult choice between letting some of its people go cold or not meeting its commitments to Europe.

We do not wish these difficulties on anyone. But we should speak clearly with Russia about our concerns and our determination to protect our economies and our peoples. We should outline the differences between a future in which Russia tries to leverage for political advantage the energy vulnerabilities of its neighbors and a future in which Russia solidifies consumer-producer trust with the West and respects energy investments that help expand and maintain Russia's production capacity. Energy is a two-way relationship and will remain so even as Europe and the United States diversify their energy resource base. Both NATO and Russia need a sustained discussion on the rule of law, the status of foreign investment, bi-national and multinational agreements, and steps to implement the principles agreed to at the G–8 Summit in July.

EXPANDING NATO'S PARTNERS

One critical element in strengthening the alliance's energy security is developing new relationships and admitting new members who will contribute to NATO's efforts in this area. I applaud Alliance efforts to develop special relationships with states around the world. At the Riga Summit, NATO should authorize the creation of partnerships with like-minded countries such as Japan, Australia, South Korea, Finland, and Sweden.

An effective energy strategy should also include new strategic relationships with energy exporters. I urge Alliance leaders to look to the Caucasus and Central Asia for new partnerships. These states are critically located and are important sources of oil and natural gas. Substantial improvement is needed in the region in areas such as democracy, the rule of law, and civil society. A closer relationship with NATO will promote these values and contribute to our mutual security. I recommend that NATO focus especially on its relationships with Azerbajian and Kazakhstan. While both countries have considerable work to do, eventual NATO membership must be on the table.

I believe that some aspirant states are prepared to assume membership responsibilities. Croatia, Albania, and Macedonia

should be invited to join NATO as soon as they meet Alliance requirements. Each has expressed a strong desire to join the Alliance, and each is capable of making important contributions. While I am disappointed that invitations will not be extended here at Riga, we must increase the tempo of cooperation between the Alliance and those states.

NATO should also invite Georgia to join the Alliance. Tbilisi is a young democratic government, resisting pressure from breakaway republics backed by Moscow and Russian troops on Georgian soil. Georgia has been a superb role model for the region, and it is host to critical segments of the Baku-Tbilisi-Ceyhan oil pipeline and the Southern Caucuses natural gas pipeline. Two months ago, the NATO Secretary General announced that the Alliance had launched an Intensified Dialogue with Georgia. While this is an important step, NATO must grant a Membership Action Plan as soon as possible.

After recovering from recent political instability, Ukraine has indicated that it wants to move more slowly toward NATO membership. I am pleased that Kiev has acknowledged the important work needed to accurately convey to its population what NATO membership would mean. While I hope this process might move more quickly, I urge the Alliance, when all applicable criteria are satisfied, to support efforts for Ukraine to join NATO.

The Alliance must also continue to encourage Belgrade to meet its international obligations, which include full cooperation with the International Criminal Tribunal for the former Yugoslavia. With additional progress on war criminals and other important reforms, Serbia would be a valuable member of the Alliance.

CONCLUSION

By their nature, alliances require constant study and revision if they are to be resilient and relevant. They must examine the needs of their members and determine how the alliance can safeguard the freedom, prosperity, and security of each member. NATO has survived and prospered because it has been able to do this repeatedly. We have met the threat of Soviet aggression, expanded the zone of peace and security across Europe, guarded against the risks posed by terrorism and weapons of mass destruction, and improved our ability to project power over long distances. We are meeting threats in Afghanistan, the African continent, and other locations outside Europe. But if we fail to reorient the Alliance to address energy security, we will be ignoring the dynamic that is most likely to spur conflict and threaten the well-being of alliance members.

I understand that adopting energy security as a mission is a major advancement from NATO's origins. But it represents an historic opportunity to change the circumstances of geopolitics to the benefit of all members. At this summit, we should engage in a broad, strategic debate on how we can ensure progress in Afghanistan, strengthen NATO through new members, and face the energy security threats of the 21st century together. Although Riga may not produce definitive answers to these questions, it must be the summit that starts the crucial discussion that will lead to consensus.

The stakes are such that if we wait even a few years, we are likely to find that our alliance is in jeopardy. We will look back at this point in time and see it as a critical juncture that required bold vision and leadership. I look forward to working together with each of you to provide this leadership.

Thank you.

CAMERON GULBRANSEN KIDS AND CARS SAFETY ACT

Mrs. CLINTON. Mr. President, I submit to the RECORD my disappointment that the Senate failed to consider S. 1948, The Cameron Gulbransen Kids and Cars Safety Act to improve the child safety features in new vehicles.

Nearly every other day, a child dies in the United States from a completely preventable tragedy—backed over by a driver who could not see behind their vehicle, strangled in a power window, or killed when an automobile inadvertently shifts into gear. The average age of victims in these cases is just 1 year old. In 70 percent of cases, a parent, relative, or close friend is behind the wheel.

Safety is something every family deserves, and it is not a partisan issue. I have been proud to work with Senator SUNUNU of New Hampshire as my partner on this legislation. We have met with families from our States and listened to parents share their heart-wrenching experience of losing a child.

The Gulbransens are one such family. Two-year-old Cameron was killed when he slipped outside unnoticed by his mother and babysitter and toddled behind the SUV his father was backing into the driveway. It is in memory of Cameron and the hundreds of children like him that we introduced bipartisan legislation to take steps we know can reduce these accidents. The Cameron Gulbransen Kids and Cars Safety Act will help to ensure that America's cars are properly equipped to prevent these tragedies from happening to others.

While the auto manufacturing industry has tried to make some changes to address these issues, this bill is timely and urgently needed. As parents, we do all we can to keep our children safe. As legislators, we should do the same to protect our Nation's children.

I am committed to reintroducing the Cameron Gulbransen Kids and Cars Safety Act in the 110th Congress and will work vigorously to ensure that safer cars mean safer kids across America.

RETIREMENT OF LINDA L. STOLL

Mr. JOHNSON. Mr. President, I rise today to recognize the service of Linda L. Stoll, who has been an employee of the Federal Government for nearly 34 years, including 21 years with the National Park Service. Since July 2000, Ms. Stoll has been the superintendent of Wind Cave National Park in South Dakota. Wind Cave is the fourth longest cave in the world.

Ms. Stoll began her career with the Government in the 1970s with the General Services Administration in Denver. Over the course of 12 years in the agency, she held several positions, starting as a clerk stenographer and ultimately becoming personnel management specialist with the National Oceanic and Atmospheric Administration in Miami, FL.

In 1985, she accepted a position with the National Park Service as supervisory personnel management specialist at Everglades National Park. It was the first of what were to be many posts in an extensive and highly regarded career. In 1988, she became superintendent of what is now Pecos National Historical Park. Also prior to coming to Wind Cave, she was assistant regional director for program review in the Intermountain Regional Office of National Park Service.

As the superintendent of Wind Cave for 6 years, Ms. Stoll took the lead in shepherding the park through 10 environmental assessments and one environmental impact statement. The purpose of these exercises was both to be sure park resources were being protected, and to ensure the safety of those visiting the park. The results of this work were an array of construction projects and new wildlife management plans. Her ingenuity helped to preserve the wonderful Wind Cave system and the mixed-grass prairie that is also under her jurisdiction.

Ms. Stoll will be retiring on January 3, 2007 and intends to stay in the Hot Springs area. Though her day-to-day presence at the park will be greatly missed, her years of hard work are appreciated by the visitors of Wind Cave and all those who care about protecting this national treasure. I applaud Ms. Stoll's service and thank her for her time and efforts.

TRIBUTE TO MARK KEENUM

Mr. COCHRAN. Mr. President, I am pleased to bring to the attention of the Senate that my long-time staff member and current chief of staff, Mark Keenum, who has served my office and the Senate so well for the past 17 years in a manner which reflects great credit on the Senate, has been nominated by President Bush to be Under Secretary of Agriculture for Farm and Foreign Agricultural Services.

His confirmation by the Senate will give him an opportunity for continued public service that will benefit all Americans. I do not know of another person who would bring any better qualifications to this job than Mark Keenum. He has an agriculture economics undergraduate degree from Mississippi State University and also received graduate degrees from that university, including a Ph.D. After completing his studies, Mark served on the faculty at Mississippi State as an instructor and was actively engaged in research in emerging agriculture and aquaculture areas of interest in our State.

In 1989 Mark joined my staff here in Washington as a specialist in agriculture and agriculture economics. He has been an outstanding member of my staff, both in helping to develop policy initiatives and in monitoring all the legislation affecting the Department of Agriculture. In my duties as a member and later Chairman of the Senate Agriculture Committee, he provided very

valuable advice and assistance in shaping policy there. He was actively engaged in the successful completion of several farm bills. Mark worked to craft the language, negotiate, and iron out differences in conference with the House. He has communicated closely with the administration over the years, all in a very professional and thoughtful way.

Mark and his wife Rhonda are close friends of mine. Mark's personal qualities are impeccable. He is courteous and intelligent; he works hard, has a strong sense of responsibility, and has good judgment. I appreciate the way he has helped manage the administrative and legislative functions of my office, as well as the counsel he has provided me for the past 17 years.

I am confident that Mark will do an excellent job in helping develop options for the next farm bill. He will be a great resource for the administration, as well as for the Congress.

We will miss him here in the Senate. I am pleased to congratulate him on his nomination and extend my thanks to him for the great job he has done in the Senate.

TRIBUTE TO FRANK C. FIALA

Mr. LEVIN. Mr. President, I rise today to honor Frank Fiala, superintendent of the Keweenaw National Historical Park. After nearly 32 years of Federal service, Frank will be retiring in January. Frank's service to our country began in the U.S. Air Force where he worked as a medic from 1969 to 1973. His career then transitioned to the National Park Service, where he has worked to protect our country's natural and historic treasures and to make them available for the public's enjoyment and appreciation. Frank's National Park Service career included assignments at the Lake Clark National Park and Preserve in Alaska, Wrangell-St. Elias National Park and Preserve in Alaska, Rocky Mountain National Park in Colorado, Carlsbad Caverns National Park in New Mexico, and Dinosaur National Monument in Colorado.

For the past 10 years, Frank has served as superintendent of the Keweenaw National Historical Park in Michigan's Upper Peninsula, working to preserve and interpret the region's copper mining history. I offer this tribute to Frank because of my 10 years of personal experience working with Frank and witnessing his passion and enthusiasm for Keweenaw's rich mining history of immigration, labor, vibrant cultures, and changing technologies.

Frank has been an extraordinary park superintendent at Keweenaw. Frank has successfully navigated the challenges of managing a park that owns less than 10 percent of the land within the park boundaries and requires partnering with a variety of public and private organizations. A significant milestone was reached with the completion of the park's General Management Plan, which Frank shepherded. Development of the plan was at times contentious and involved incorporating viewpoints from multiple stakeholders, including local citizens, businesses, landowners, entrepreneurs, corporations, educational institutions, foundations, and government agencies.

Frank has been an enthusiastic advocate for the park, promoting the Keweenaw Peninsula's historic and cultural riches and envisioning the park's role in the future economic development of the region. Where some saw ruined, dilapidated buildings as eyesores, Frank saw them as opportunities. To preserve the historic landscape of copper country, Frank secured funding to make several significant property acquisitions, including the Quincy Mining Company's Pay Office; the Calumet and Hecla Mining Company General Office Building, which is now the Park Headquarters; the C&H Library, which now houses the park's extensive archival collections; C&H Warehouse No. 1, and the Union Building.

A true preservationist, Frank successfully fought to stop the replacement of the city of Quincy's historic water tower, a vital part of the region's cultural landscape, with an underground storage tank. Frank personally researched and produced the original plans for the historic water tower, and now a replicated water tower stands proudly, providing water service to the area's residents and preserving a key feature of the Keweenaw landscape.

In addition to preserving historic buildings, Frank also helped save a large collection of artifacts from the Calumet & Hecla Mining company, which is being cared for and catalogued by one of the Nation's finest professional staff of archivists, curators, and museum technicians. Since Frank's arrival, the park's museum collection has grown from nothing to over 300,000 historic items.

As anyone who has had the opportunity to drive through the park with Frank knows, Frank truly is a visionary. One is quickly transported back in time to the 19th century, when the Keweenaw produced 85 percent of the Nation's copper. Frank makes the history of ''copper country'' come alive: the sounds of the immigrants arriving, the smells of pasties wafting from lunch pails descending into the deep mine shafts, the tremors from the strikes of 1913 caused by unfair labor conditions. His enthusiasm in relation to rehabilitating and interpreting the historic properties scattered across the park is contagious. Thanks to Frank, visitors to the Keweenaw can truly experience what it was like to be part of the mining community during the industrial revolution.

Frank's dedication to preserving and interpreting the history of the Keweenaw, and his many years of public service is truly an example to others. His enthusiasm, vision, and proactive approach have given the people of Keweenaw, MI and our Nation a great gift.

Thank you, Frank, for your service, and congratulations on your retirement.

TRIBUTE TO MONTE ZUCKER

Mr. KENNEDY. Mr. President, I rise today to pay tribute to one of our Nation's preeminent photographers, Monte Zucker. Mr. Zucker has been a creative force in his field for over 50 years. Through his brilliant eye and focused lens, he has earned a place in the annals of photographic masters.

Monte Zucker created contemporary standards for lighting and composition in photographic portraiture. His work is beloved by his clients who cherished the memories so beautifully captured on film. His work is also admired by his peers, who recognize the unique signature and integrity in his work.

Mr. Zucker has been mentor to the next generation of photographers. He has taken a leadership role in training emerging artists who, like him, aspire to capture special moments and create memories for families to treasure for years to come.

He is an impressive artist and a caring and compassionate member of his community. In 2002, the UN named him Portrait Photographer of the Year. He has made an incredible difference in the world of photography, and it is a pleasure to bring his extraordinary work to the attention of my colleagues.

TRIBUTE TO BRUCE R. JAMES

Mr. LOTT. Mr. President, as chairman of the Joint Committee on Printing, I want to commend and pay tribute to Bruce R. James, the 24th public printer, who has announced he will retire from his post as chief executive officer of the Government Printing Office on January 3, 2007.

At the President's request, Bruce came out of retirement to take office at the GPO in December 2002. Since then, he has worked tirelessly to transform that venerable institution from a printing agency into a 21st century digital information processing facility. After a period of factfinding and consultation with GPO's stakeholders, he issued a strategic vision for the GPO's future that has guided the management of the agency ever since. Under the plan, he initiated the effort to construct a future digital system to organize, manage, and output authenticated Government information in a broad range of online and print formats. He led efforts to modernize the GPO's plant operations supporting Congress. He assisted the State Department's development and issuance of the new electronic U.S. passport and has led efforts to further enhance the GPO's security and intelligent documents operation. He worked with the library community to ensure the continued transition to predominately

electronic Federal Depository Library Program and began a pilot project to test the GPO's ability to digitize retrospective Government publications for online public access. Throughout his tenure, Bruce has ensured that we have the products and services we need to conduct our daily business in Congress.

In carrying out this program of change, Bruce brought to the GPO a broad range of business principles and practices, earning him the title of 2006 Civilian Executive of the Year from Government Computer News. He instilled a new focus on customer service for Congress and the departments and agencies that depend on the GPO and has provided new service options that make it easier and more convenient to use the GPO. He turned around the financial status of the agency, posting a positive financial performance every year since 2004 and reversing a pattern of previous losses that has provided the agency with the capital to make much-needed investments in technology. He brought aboard a wide range of experts in technology and systems integration, finance, marketing, secure and intelligent documents, digital media, and related fields, to guide the GPO forward. And to his credit, Bruce brought before the Congress the issue of how best to utilize the GPO's aging and outsized buildings for its future operations.

Mr. President, Congress, Federal departments and agencies, and all those among the public who rely on the GPO have been well served over the past 4 years by Public Printer Bruce James. His unceasing call for technology modernization and his steadfast adherence to business best practices will leave a legacy of continued improvement at the GPO for many years to come. As Bruce departs the GPO to return to retirement in his beloved Nevada, he leaves with our best wishes and the thanks of a grateful nation for a job well done.

TRIBUTE TO JERRY M. HAMMOND

Mr. LOTT. Mr. President, as chairman of the Joint Committee on Printing, I want to pay tribute to Jerry Hammond, Director of Congressional Publishing Services, who retired from the Government Printing Office, GPO, after 37 years of Government service.

Mr. Hammond graduated from DeMatha High School in 1969 and then served as a sergeant, E–5, in the U.S. Marines Corps. Jerry came to GPO in 1972 and graduated in the apprentice class of 1977 in the Hand Section of the Composing Division. Mr. Hammond joined the Office of Congressional Publishing Services in 1985 and was promoted to the position of Director in 2004.

Jerry worked on the night shift at GPO for many years working closely with several congressional offices, House and Senate, night in and night out, to ensure the production and delivery of the CONGRESSIONAL RECORD, House and Senate Calendars, and congressional bills and reports. He was also instrumental in establishing remote composition capabilities at congressional offices which continue to be used today.

Jerry Hammond also worked very closely with my staff on the Joint Congressional Committee on Inaugural Ceremonies. He assisted us with the very successful redesign of the inaugural tickets, enhancing their security, usability, and appearance. Additionally, he personally oversaw the printing of the programs, gifts, menus, and various other inaugural products. Anyone who has worked with Jerry over the years could not help but be impressed with his easygoing demeanor, especially under the pressure of meeting the printing requirements of Congress.

I ask my colleagues to join me in thanking Jerry Hammond for his service to GPO and Congress. We wish him all the best in his retirement.

FATHER ANGELO D'AGOSTINO

Mr. LEAHY. Mr. President, two Sundays ago, when Marcelle and I were at mass at Holy Trinity at Georgetown, we listened to a homily about the life of Angelo D'Agostino, SJ. I had been thinking about Father D'Ag, as those of us knew him called him, since I had received word from his dear friend Ben Palumbo that he had died. Ben and Madge Palumbo were wonderful friends to Father D'Ag, as they have been to Marcelle and me.

As Father Kevin O'Brien noted while talking about the home Father D'Agostino began in Nyumbani, Kenya, Father D'Ag worked tirelessly to raise money, especially for abandoned HIV-positive children. His Nyumbani village was designed to hold together families, where most members had lost their normal family cohesiveness because of deaths from AIDS. So many of us, like my friend Senator Dennis DeConcini and others, always responded when the Palumbos asked us to go to fund-raisers to raise money for the work Father D'Agostino was doing throughout Africa. I told some of his fellow Jesuits that we long ago decided that we would do whatever Father D'Agostino wanted—eventually he'd make sure we would anyway, so we might as well do it graciously to begin with. Nothing fazed him when he was asking for others. He always went out of his way to remind Senator DeConcini, Ben Palumbo, and me that we shared Italian heritage. I once told him, ''Angelo, no matter who you were seeking help from, you would find something to connect you, and that would be the reason to do it.'' I remember his laugh to this day.

The beauty of Father D'Agostino and the saintly nature of him was that he never asked for anything for himself—it was always for others. He gave a voice to those who had no voice, and he leaves a great gap in their lives.

Even the President of Kenya and his wife attended the funeral to express his sorrow for the death of Father D'Agostino. He told the board members and others at the funeral that they must carry on Father D'Ag's work. He said, ''I am sure that is the assurance Father D'Agostino would have liked. He founded these homes and wanted to succeed in reducing the prevalence and effects of HIV/AIDS. You should take the responsibility of ensuring that Father D'Agostino's work continues.''

I ask unanimous consent that an article by Joe Holley of The Washington Post about Father D'Agostino be printed in the RECORD, as well as an article from the official website of the President of Kenya.

For my part, I feel blessed for having known Father D'Ag and I mourn his loss.

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

ANGELO D'AGOSTINO; PRIEST AIDED HIV-POSITIVE ORPHANS

(By Joe Holley)

The Rev. Angelo D'Agostino, 80, a physician, psychiatrist and Jesuit priest who opened one of the first orphanages for abandoned HIV-positive children in Kenya, died Nov. 20 of cardiac arrest at the Karen Hospital in Nairobi. He had been hospitalized for a week with abdominal pain from diverticulitis and died after surgery.

Father D'Agostino, who practiced and taught psychiatry in Washington during the 1970s and '80s, was called to a country with more than 1 million children whose parents have died of AIDS. Many of the children, often HIV-positive themselves, have been abandoned or left to roam through Kenya's big-city slums.

He encountered the needs of Kenya's children while serving on the board of governors for a large orphanage in 1991. When the orphanage began receiving scores of abandoned children who tested HIV-positive, Father D'Agostino suggested setting up a facility for them. The board opposed the idea, so in 1992, he founded the Nyumbani Orphanage, beginning with three HIV-positive children.

Today Nyumbani, or ''home'' in Swahili, shelters about 100 Kenyan children, from newborns to 23-year-olds.

The larger nonprofit organization, also called Nyumbani, includes Lea Toto (Swahili for ''to raise the child''), a community-based program founded in 1998 to provide outreach services to HIV-positive children and their families in the Nairobi area. Nyumbani also has the most advanced blood diagnostic laboratory in Kenya.

At the time of his death, Father D'Agostino, an indefatigable fundraiser, had just returned from Rome and the United States, where he had solicited money for Nyumbani Village, a self-sustaining community to serve the orphans and elderly left behind by the ''lost generation'' of the AIDS pandemic. The goal of the village, which has plans for 100 houses, a school, a clinic and a community center, is to create new blended families for orphaned children under the care of elderly adults.

''It was difficult to say no to him, particularly because what he asked you to do were the kinds of things your conscience would bedevil you about if you said no,'' said Benjamin L. Palumbo, a Washington attorney who serves as president of Nyumbani's U.S. board of directors.

Father D'Agostino's friends and orphanage supporters ran the political gamut, from

former Sen. Jesse Helms (R–N.C.) to Sen. Patrick Leahy (D–Vt). Leahy called him ''a living saint''

Short and rotund, ''Father D'Ag,'' as some knew him, was quick to laugh but also had a temper, his friend James Desmond recalled. Desmond, former owner of a downtown bar called Beowulfs, one of the priest's haunts when he lived in Washington, recalled being with him in a meeting with congressional aides who were giving him the polite brush-off. When the priest realized what was happening, Desmond had to hustle him out the door before his temper got the best of him.

In 2001, Nyumbani became the first place in Africa to import deeply discounted AIDS drugs under an Indian pharmaceutical company's program to make such drugs more affordable on the continent where most of the world's AIDS patients live and die.

''I am sick and tired of doing funerals,'' Father D'Agostino told The Washington Post, explaining why he was willing to defy national regulations and international patent rules to buy cheaper, generic AIDS drugs.

''It's really the darker side of capitalism, the greed that is being manifest by these drug companies holding sub-Saharan Africa hostage,'' he told The Post. ''People are dying because they can't afford their prices.''

He also sued the Kenyan government for its policy banning HIV-positive children from the nation's public schools. He won that suit last year, which allowed more than 100,000 children to rejoin their classmates in schools across the country.

Angelo D'Agostino was one of six children born to Italian immigrants in Providence, R.I. His younger brother, Dr. Joseph D'Agostino of Fairfax, recalled that he had asthma as a child, so he spent a lot of time reading, making model airplanes and growing plants and flowers in the family's back yard.

He received his undergraduate degree in chemistry and philosophy from St. Michael's College in 1945 and his medical degree from Tufts University in 1949. He received a master of science degree in surgery from Tufts in 1953.

He served in the Air Force from 1953 to 1955 as chief of urology at Bolling Air Force Base. After attending a retreat with the Knights of Columbus, he decided to enter the priesthood in 1954, although the Jesuits at Georgetown asked him to take a year before making a final decision.

''The Jesuits couldn't use a urologist or kidney stone specialist,'' his brother recalled, ''so they told him to go into psychiatry.''

After a psychiatric residency at Georgetown from 1959 to 1965 and further work at the Washington Psychoanalytic Institute from 1962 to 1967, he became one of the first American Jesuits to be trained as a psychiatrist. (He liked to say he had ''more degrees than a thermometer,'' a nephew recalled.)

He was ordained in 1966, earlier than expected because the Jesuits were concerned that he was going to succumb to lupus, an illness he had battled his whole life.

He taught psychiatry at Georgetown University and George Washington University and in 1972 founded the Center for Religion and Psychiatry at the Washington Theological Union to promote dialogue between the two. From 1983 to 1987, he was in private practice in the District. A number of his clients were police officers, many whom he met over beers at Beowulf's.

Father D'Agostino helped administer refugee centers in Thailand and East Africa in the 1980s, but it was the lost children of Kenya who captured his heart and wouldn't let go. They called him ''Faza.''

He retired when he turned 80, ''but it was retirement with a small 'r,' ''Joe D'Agostino said. ''He still went to the office every day, although he was happy he didn't have to go to meetings anymore.''

He will be buried in Kenya. His brother, his only immediate survivor, recalled that Father D'Agostino had only one regret about his adopted homeland: ''He couldn't grow good tomatoes over there. Being a good Italian, that was important to him.''

PRESIDENT AND FIRST LADY ATTEND FATHER D'AGOSTINO'S REQUIEM MASS

President Mwai Kibaki and First Lady Lucy Kibaki Monday joined other mourners for the requiem mass for Rev. Father Angelo D'Agostino at the Consolata Shrine Catholic Church in Westlands, Nairobi.

The mass was conducted by Nairobi Archbishop Ndingi Mwana A'Nzeki.

Addressing the congregation, President Kibaki urged Kenyans to emulate Father D'Agostino and assist the less fortunate in the society.

He called on board members of Nyumbani Children's Home, Lea Toto and Nyumbani Village in Kitui to carry on with Father D'Agostino's work, ensuring that the homes are well maintained and succeed in serving the HIV/AIDS orphans.

President Kibaki said: ''I am sure that is the assurance Father D'Agostino would have liked. He founded these homes and wanted them to succeed in reducing the prevalence and effects of HIV/AIDS.''

''You should take the responsibility of ensuring that Father D'Agostino's work continues,'' the Head of State said.

Paying tribute to Father D'Agostino, the First Lady described him as a colleague in her work of caring for orphans and in the fight against HIV/AIDS in the country.

She pointed out that Father D'Agostino played a pivotal role when she was setting up the Kenya Chapter of the Organization of African First Ladies Against HIV/AIDS (OAFLA) by introducing her to key people and institutions helping in the fight against HIV/AIDS.

As the patron of Nyumbani Children Homes, the First Lady reassured the orphans that she will continue working hard to provide them with the resources they need.

The First Lady recalled conversations she had with U.S. President George W. Bush during a state dinner in Washington when the U.S. leader hailed the work done by Father D'Agostino in assisting vulnerable members of the Kenyan society.

The mass was also attended by the Pope's representative in Kenya Archbishop Alain Paul Lebeaupin among others.

TRIBUTE TO RON RUPP

Mr. LEAHY. Mr. President, I want to take a few minutes to recognize an outstanding Vermont public servant who goes above and beyond to advocate for better laws and protection to keep children safe from lead poisoning—the No. 1 environmental health threat affecting young children in the United States.

Ron Rupp serves as the current director of the Vermont Housing and Conservation Board, VHCB, Lead-Based Paint Hazard Reduction Program and has played a major role in securing more than $10 million in HUD funds for the State of Vermont for lead hazard control efforts. Having been with this program since its inception in 1994, Ron has worked to expand the availability and quality of training and assistance for landlords and homeowners in order to reduce the hazards of lead poisoning caused by lead-based paint. Under his leadership, the program has provided comprehensive technical and financial assistance to make Vermont properties lead-safe. In addition to direct intervention, Ron has worked to expand education outreach efforts for the public on lead paint hazards, including training of construction and service workers, as well as property owners, and on the importance of testing young children for lead poisoning.

Ron's fight against childhood exposure to lead hazards is not limited to the State level. He has worked closely with the National Center for Healthy Housing to increase the overall body of knowledge on effective control of lead hazards and coauthored two papers on research into lead hazard control methods. Considered an expert on lead and environmental health, he has served as a reviewer for HUD's Lead Paint Safety Guide and other HUD documents.

The most common cause of lead poisoning is exposure to dust from deteriorated lead-based paint, the foremost cause of childhood lead poisoning, in old homes and buildings. Children are most frequently exposed to miniscule lead dust particles from chipping, peeling or flaking paint that cling to toys, fingers and other objects, leading young children to ingest the particles. Poisoning can also come from sources such as soil containing lead from car exhaust, water pipes, lead-glazed ceramic dishware, and plastic mini-blinds.

Too much lead in the body can cause damage to the brain, kidneys, nervous system and red blood cells. According to data from the Centers for Disease Control and Prevention, more than 1 million children living in the United States between the ages of 1 and 5 years have unacceptably high levels of lead in their blood, which may result in learning disabilities, reduced intellectual ability, behavioral problems, or other health problems. Poor children are at special risk because inadequate nutrition increases lead absorption by the body.

Ron's job is by no means an easy one, but he has done exceptional work advocating for better policies and practices so that Vermont's children can grow up in lead-free homes. My home State has the seventh oldest housing stock in the Nation—a real ''Lead Leader.'' In the city of Burlington alone, housing units occupied by low-income residents constitute the highest concentration of older homes in Vermont. Significant lead paint hazards are characteristic of the deteriorated condition of many of these buildings. The result is that Burlington has a childhood lead poisoning rate that is more than double the national average.

Through the hard work of Ron and the VHCB Lead-Based Paint Hazard Reduction Program, Vermont is becoming a place where our children can grow up safe from lead poisoning. The

removal of lead hazards from our old homes and buildings is a slow process and success can be long in coming, but with dedicated public servants like Ron I have no doubt that success will indeed be met. Thank you, Ron, and congratulations to you for making Vermont's Lead-Based Paint Hazard Reduction Program the continuing success it is today.

RETIREMENT OF SAM WHITEHORN

Mr. INOUYE. Mr. President, I rise to pay tribute to a member of my staff who will be leaving the Senate Committee on Commerce, Science, and Transportation after more than 15 years working for this institution and more than 25 years of service to the American public. Sam Whitehorn has been my deputy staff director and general counsel on the Commerce Committee during the 109th Congress, but he has worked diligently for the committee's membership and many of our predecessors during more than a decade as senior counsel on the Aviation Subcommittee. I know Senators Jay Rockefeller, Fritz Hollings, and Wendell Ford hold Sam in the highest regard for his commitment to this institution and his efforts to pass legislation that established the United States as a world leader in aviation and transportation policy.

Sam's reputation as an expert and dogged proponent of aviation security, safety, and economic viability is known to everyone in the aviation community. His ability to negotiate and work in a bipartisan fashion has served the committee honorably, allowing aviation legislation to consistently move responsibly and timely. His accomplishments speak well of him: he has been involved in the passage of six Federal Aviation Administration Authorization, FAA, reauthorization bills during his tenure. While Sam has more recently expanded his reach to other major aspects of the Commerce Committee's agenda, aviation continues to have a special place in his heart.

This country and the aviation industry also have benefited from Sam's commitment to public service and his expertise on the issues during one of our most difficult times in modern history. After the horrible attacks of September 11, 2001, he helped lead the passage of the Aviation and Transportation Security Act, which established the Transportation Security Administration, TSA. That legislation was instrumental in restoring public confidence in our aviation system.

He also played a central role in the development of legislation that currently funds the aviation system, efforts to advance the modernization of the National Airspace System, NAS, and promoted workplace reforms at the FAA which have helped place the agency on a more economically viable path. To put it simply, Sam Whitehorn's name is synonymous with aviation safety, security, and viability.

Prior to working for the Senate Commerce Committee, Sam worked at the U.S. Department of Transportation, DOT, as a senior attorney in the Office of the General Counsel for Regulations and Enforcement where he represented the DOT on a host of aviation issues. Before that he was a staff attorney in the antitrust section of the Civil Aeronautics Board, CAB, the precursor to the FAA.

While Sam has a passion for aviation and has been truly devoted to the Senate Commerce Committee, nothing has been more important to him than his family. From his upbringing in New Hyde Park, NY, to the many years he has spent in his adopted hometown of Washington, DC, his close-knit family has been vital to his success. We have seen his dedication to his wife Carol, who has been extremely patient at times, and more recently saw him watch proudly as his son Michael and daughter Zoe went off to college. We greatly appreciate their willingness to share Sam with us for these many years.

As Sam retires from the Senate, we wish him nothing but the best. He will be missed, but his legacy will remain strong as we continue to tackle aviation issues in the future. I and this institution will miss him.

RETIRING U.S. ATTORNEY CHARLES LARSON, SR.

Mr. GRASSLEY. Mr. President, I would like to take this opportunity to offer my sincerest congratulations and gratitude to retiring U.S. Attorney Charles ''Chuck'' Larson, Sr. While I could easily just focus on all Chuck has done in his years as the dedicated U.S. attorney for the Northern District of Iowa, this man has given so much more in over 40 years of Government service.

When his country has called, Chuck has been there. He served in the U.S. Army and Army Reserves for 40 years, retiring as a lieutenent colonel in 1989. Four U.S. Presidents have called on Chuck to serve in various capacities, and each time he has stepped forward and served with honor and distinction.

Chuck was first appointed as the U.S. attorney for the Northern District of Iowa by President Ronald Reagan in 1986 and continued to serve in this position under President George H.W. Bush through 1993. During his service at this post, Chuck went well above and beyond. He devoted himself to fighting the scourge of drug crime and abuse by bringing local, State, and federal agencies together. Chuck also recognized the need for community outreach, and he pioneered a number of programs that brought together community leaders, clergy, and citizens to explore approaches to reduce drug abuse in Iowa.

These ideas were recognized as very innovative at the time and led to President Clinton's call for Chuck to serve on the Commission on Drug-Free Communities, a post in which Chuck served with distinction and which his son, Chuck, Jr., fills today.

Following the tragic events of September 11, 2001, Chuck was again called to duty as the U.S. Attorney in the Northern District of Iowa by President Bush. He continued his aggressive and innovative strategies in this new and complex era of the war on terror. His efforts led to programs for the training of law enforcement and other emergency responders in dealing with and preventing terrorist attacks. Chuck extended this training effort to private industry and trade associations. Yet Chuck never ceased his efforts in Iowa in fighting crime and drug abuse. His past successes in community outreach programs and law enforcement coordination led to the creation of programs such as the ''Weed and Seed'' initiative in Cedar Rapids and the statewide ''Meth and More'' program. These programs not only helped put criminals behind bars but also provided help and support to thousands trapped in the destructive cycle of methamphetamine abuse and educated Iowa communities about the disastrous effects of drug abuse. His devotion to this cause can be summed up in Chuck's own words, ''if we can save one life, then our efforts are a success.''

In the midst of this, his country called yet again. In 2004, Mr. Larson was ask to serve as the senior Department of Justice representative in Iraq. Chuck was given the enormous task of directing and administering efforts to train Iraqi judiciary, law enforcement, and civilian contractors. He was tasked with nothing less than restoring justice and equity to the Iraqi judicial system. Despite the inherent dangers and complexities of his mission, Chuck yet again served with distinction.

Again, I offer my thanks and congratulations to U.S. Attorney Charles Larson, Sr. Chuck's dedication, devotion, and courage, again and again, provided invaluable service to our country and the great State of Iowa. Chuck, you are a true American and a model for all in Government service.

TRIBUTE TO KATIE GUMERSON ALTSHULER

Mr. KYL. Mr. President, I rise today to honor the service of Katie Gumerson Altshuler, my staff director at the Senate Republican policy committee. Katie has decided to return to her native Oklahoma and begin a new life as chief of staff to the Speaker of the House of the Oklahoma Legislature.

Katie became staff director of the RPC earlier this year, in what was the culmination of an impressive climb through the ranks of Senate staff leadership dating back to 1995 when she served as an intern for Senator Don Nickles when she was still in college. When Katie graduated from Sweet Briar College 2 years later, Senator Nickles hired her first as a staff assistant and then as a legislative correspondent. And in 1999, he promoted her into the majority whip's office, where she quickly became well known in the Capitol as a floor assistant and policy adviser to Republican Senators.

When Senator Nickles finished his term as majority whip, I was thrilled that Katie agreed to join me as my first deputy staff director of the Republican policy committee. In that capacity, she quickly became my eyes and ears here in the Capitol Building, tracking the ins and outs of floor activity, representing the RPC within the leadership, and doing everything she could to ensure that only the best policy—good, conservative Republican policy—became law. As one of her many duties, you may recall that she developed our RPC ''getaway'' materials and stood over by the side door to my right and handed them to Republican Senators after the last vote of the week.

Katie quickly earned my trust, as I know she had earned the trust of Senator Nickles before me. So it was an easy decision to promote Katie to staff director of the RPC in June 2006. She had experience in a broad range of policy areas and she understood the pulse of this body better than most ever will. My staff has enormous respect for her, and she is a natural leader.

Katie's departure coincides with the end of my 4 years chairing the Senate Republican policy committee, a job I have enjoyed immensely. I want to thank Katie for the consistently good work product she helped us achieve during these past 4 years. She has inspired other staff members of the committee to achieve a level of excellence that, I believe, has been of great value to Senators and their staffers. My goal, since day one, was to make sure we produced a first-rate product—thorough, accurate, and reliable. Katie understood this, and she made sure it happened. And so we both depart the policy committee—I for the chairmanship of the Republican Conference and she for the Oklahoma State House—I believe we have left it well-prepared and well-armed for the future.

Let me share a few words about Katie personally. We all know Katie to be bright, quick-witted, fiercely loyal, and genuinely warm to those around her. She is a true patriot who cares deeply for this Nation and the Senate, and I know she is proud to have served here for the past 9½ years. She loves and reveres this institution, even its eccentricities. For example, a former colleague of hers remembers fondly how irritated Katie can become when the decorum of the Senate is offended, even when it is a Senator who fails to take seriously the Senate Chamber's dress code.

When contacted a few days ago, Katie's former boss, Senator Don Nickles, had this to say about her: ''Katie brought a great deal of professionalism and enthusiasm into both the Whip office and Policy Committee. She will certainly be missed.''

Eric Ueland, now chief of staff to Majority Leader FRIST, worked with Katie for several years in the Nickles whip office. He said: ''No one should ever mistake Katie's grace and charm for indifference to conservative philosophy or Republican ideology, because within her beats the heart of a lion and the ferocity of a tiger. Katie always harnesses the very best from her colleagues to bring creative solutions to bear. She always seeks to suggest the best way forward to do credit not just to the Senators she serves, but to the values that brought them to Washington.''

One more accolade. Dave Schiappa, the secretary for the majority, who handles all floor operations for the Republicans and who has worked with Katie for many years, had this to say: ''Over my 22 years, I have had the privilege to work with a great number of intelligent and dedicated people. Katie Altshuler is one of those shining stars and has set a standard of professionalism and devotion to the Senate as an institution.''

I wish Katie could be convinced to stay and help us in the Senate, but I know that the pull of home and of new challenges is a strong one, and I wish her well in her new endeavors. So, Katie, my best wishes to you as you take up your new line of duty, and on behalf of the Senate, I commend you for your excellent work. Thank you.

ADDITIONAL STATEMENTS

100TH BIRTHDAY OF CLAUDE WOOD

• Mr. BINGAMAN. Mr. President, earlier this week, Claude Wood celebrated his centennial. His name is familiar to several long-serving Members of this body, for he was the chief of staff to one of the Senate's giants, Clinton Anderson of New Mexico. For all of Senator Anderson's career in this Chamber, Claude was at his right hand.

A native New Mexican, he served our State, our Nation, and the Senate with distinction and honor. He retains an active interest in what we do here and is a great friend of the Senate Historian, Richard Baker. I myself have known Claude for many years and am very glad to have this opportunity to send him best wishes on this milestone birthday.•

IN MEMORIAM: BEBE MOORE CAMPBELL

• Mrs. BOXER. Mr. President, today I offer a few words in observance of the passing of novelist Bebe Moore Campbell, a most influential American writer and a leading advocate for people living with mental illness.

I extend my deepest sympathy and most sincere condolences to Ms. Campbell's family, especially her husband, Ellis Gordon, Jr.; her mother, Doris Moore; and her daughter and stepson, Maia and Ellis Gordon III. My thoughts and prayers go out to them as they struggle with the death of a woman they loved dearly.

In an illustrious career spanning 20 years, Bebe Moore Campbell was an extraordinarily perceptive author who tirelessly explored the American experience through a variety of perspectives. Growing up in both the North and the South in the 1950s and 1960s, she experienced first hand the numerous ways in which fear and hatred are manifested in the form of racial segregation and oppression. She learned about living amid injustice, about the rage and sorrow it imparts, and about the dignity and resolve required to overcome it.

Ms. Campbell drew much of her inspiration and strength from the strong bond she had with her parents. Her second book, ''Sweet Summer: Growing Up With and Without My Dad,'' is a loving tribute to the warmth of extended family and friends, the strong women in her life who helped mold her character, and the heroic example of her father, whose perseverance after a car accident left him a paraplegic taught her courage and independence. The importance of family dynamics would be a guiding theme in Ms. Campbell's work and stimulated her interest in the intricate nature of relationships.

As Ms. Campbell continued to explore the parent-child relationship, she also delved into the complexities that exist between and within genders, races, and communities. She produced two critically acclaimed novels in the first half of the 1990s set against the backdrop of historical instances of racial violence: ''Your Blues Ain't Like Mine'' and ''Brothers and Sisters.''

In these novels, Ms. Campbell explored the issues of race, class, and gender and personalized them in the form of characters we related to and cared for. Courageous and exceptionally talented, she captured the social and historical forces that cut through out society and divide us. She graphically demonstrated how America's racial, economic, and gender fault lines cut through the lives of individuals, often forcing people into difficult and painful conflicts with others as well as themselves.

Ms. Campbell focused in her later writings on the issue of mental illness. With passion and emotional depth, she explored the horrible consequences of mental illness and the strain that it places on those who love and depend on people suffering from a mental condition. Her work has helped to raise our Nation's consciousness about the issue and has made an invaluable contribution to our society's efforts to improve the lives of people living with mental illness. Ms. Campbell was a founding member of the Inglewood branch of the National Alliance for the Mentally Ill, and her children's book ''Sometimes My Mother Gets Angry'' won that organization's Outstanding Literature Award for 2003.

In her work, Ms. Campbell illustrated how oppression and injustice dehumanizes everyone involved. She challenged and inspired us to examine our preconceptions and fears and to open our hearts and minds to those around us.

Her powerful voice will be dearly missed, but her legacy cannot be diminished. I am confident that her spirit will carry on in the countless others whose lives she has touched.●

RECOGNIZING CAPTAIN JOHN C. CARMICHAEL

● Mr. CHAMBLISS. Mr. President, I rise today to recognize a special anniversary year for a true patriot, a great American and fellow Georgian, Captain John C. Carmichael, U.S. Navy, Retired. Friends and family back home on St. Simon's Island know him as Jack.

As a teenager, Jack Carmichael had aspirations of attending West Point, his desire being to follow in the great GEN Robert E. Lee's footsteps. However, his father died in 1928 when he was only 14 years old, leaving his two younger brothers and his mother Kate with heavy hearts and tough decisions. At the time, they were living in Jacksonville, FL. Kate did not think that schools in Jacksonville or Waycross, GA, where they had lived and from where Jack's father hailed, were adequate to prepare him for the academic rigors of the service academies; therefore, she made the decision to move the family to Washington, DC, to live with two aunts in order for Jack to acquire the requisite education. He attended Western High School and several military academy preparatory schools. During that time he became reacquainted with his cousin, John Harllee, who convinced him that the Naval Academy was the better path, so Jack reset his goal for Annapolis.

Unfortunately, his Georgia Congressman did not have any available Naval Academy slots, so he was referred to a Pennsylvania congressman. However, that Congressman only had a West Point slot, so the gentlemen referred him to a Congressman in Oklahoma who was able to sponsor Jack to attend the Naval Academy.

Jack's 4 years at the Naval Academy were fast and rewarding, helped along by his dear friend and roommate, John Court. Jack graduated on June 4, 1936, one of 242 graduates, the smallest graduating class since 1900.

During his career as a naval officer, Jack held various assignments both at sea and ashore. He served in World War II with the 5th Fleet and married his wife, Elizabeth Gordon Ellyson, on October 25, 1944, in San Francisco. ''Gordie,'' the name his wife goes by, was the daughter of the reputed naval aviator, Theodore Gordon ''Spuds'' Ellyson.

Jack retired from the Navy in July of 1966 after 30 years of distinguished service. He moved Gordie and his family from Key West, FL, to St. Simon's Island, back to the nostalgic cottage of his youth within close proximity to the wonderful lighthouse. Jack and Gordie have enjoyed a full life and traveled much since then, but their center is St. Simon's Island and the quaint cottage they affectionately call ''Homeport.''

Mr. President, it is indeed an honor and a pleasure to recognize this accomplished fellow Georgian from the ''greatest generation,'' some 70 years after his graduation from the U.S. Naval Academy. He is the consummate patriot and citizen, and his distinguished and noteworthy service to our Nation is laudable.●

ALLAN ROSENFIELD GLOBAL HEALTH FELLOWSHIP

● Mrs. CLINTON. Mr. President, today I honor Dr. Allan Rosenfield, Dean of the Mailman School of Public Health at Columbia University, as well as introduce the training program named in his honor.

Dr. Rosenfield has spent his career working to improve the health and well-being of our most vulnerable populations. He has been a champion of women's health both in United States and around the world and is well known for his work on the HIV/AIDS pandemic, innovative family planning studies, and strategies to address the tragedy of wholly preventable maternal deaths in resource-poor countries. As dean and professor of the Mailman School of Public Health, Dr. Rosenfield has been, for the past 20 years, a mentor for several generations of educators, public health students, and researchers.

Dr. Rosenfield was among the earliest to voice the ethical challenges of decreasing transmission of HIV to newborns by treating mothers with antiretroviral drugs before delivery, without consideration of ongoing care and treatment of mothers. He has spearheaded programs in resource-poor settings that not only prevent mother-to-child transmission of HIV but also provide comprehensive clinical services to women.

In light of Dr. Rosenfield's countless contributions toward improving the health of individuals globally—as a researcher, an advocate, an educator and as a compassionate human being—it is fitting to name the ASPH–CDC Global Health Fellowship Program in honor of Allan Rosenfield.

The fellows in this program, who are graduates of the Nation's accredited schools of public health, are trained to help prevent HIV infection, improve care and support, and build capacity to address the global HIV/AIDS pandemic. Fellows also participate in immunization program activities in support of global polio eradication, measles mortality reduction, regional measles elimination, and general global immunization activities. They receive mentoring and support from dedicated CDC employees in the field. The mission of this fellowship program is to train the next generation of global health leaders, and it is fitting that this program honor an individual who is a foremost leader in global health.

Mr. President, I ask my colleagues to join me in celebrating the Allan Rosenfield Global Health Fellowship, most appropriately named after a person whom I, and many others, admire and respect for his relentless dedication and remarkable achievements in preventing disease and saving lives worldwide. I would like to honor and thank him for his many years of work.●

WOODBURY SENIOR HIGH SCHOOL, WOODBURY, MINNESOTA

● Mr. DAYTON. Mr. President, today I wish honor Woodbury Senior High School, in Woodbury, MN, which will soon receive an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Woodbury Senior High School is truly a model of educational success. This large, suburban high school has consistently ranked above the national and State averages in ACT test scores and Minnesota Comprehensive Assessment scores and has been designated as a five-star school in reading and math by the Minnesota Department of Education for 2 years in a row. Schools receiving the five-star status are few and far between: Last year, 11 schools in the Twin Cities metropolitan area qualified for this status; this year, only 8 metro-area schools qualified. These scores show that top students continue to grow academically and also that all students continue to perform well above expectations.

Success at Woodbury High does not occur without the hard work and dedication of all students and staff. In addition to their classroom responsibilities, the teaching staff at Woodbury High are engaged in professional learning communities. Teachers meet in groups each week to study student learning and compare test scores and other objective data to determine areas of need. Then each group discusses best practices for teaching, in order to improve all students' learning. These professional learning communities have resulted in better course grades, as well as improved test scores on state and national measures of student proficiency.

Course work calls for high standards of performance at all levels. For advanced learners, Woodbury High offers advanced placement classes in English, mathematics, science, and social studies. The staff is working to develop more AP classes to meet students' needs. Each year, more than 250 AP tests are given in the school, with better than 75 percent of these students qualifying for college credit. This rigor translates into ACT scores above the State and national averages. Last year, Woodbury High students averaged a composite score of 23.5 on the ACT test. Students requiring more academic attention may enter the Program for Success in grades 10, 11, and 12 in order to earn credit for on-the-job experience along with academic credits. These classes are kept small and are taught by teachers who take personal responsibility for their students' success.

Woodbury High is working to fulfill the District goal of giving all students an opportunity for excellence. With championship athletic teams and arts programs generating high-quality productions, students are stretched to reach their potential inside and outside the classroom. The Woodbury High girls soccer team has won the State championship during 3 of the past 4 years. The adapted soccer team and girls basketball team have also won State championships during the past several years. Excellence in education is the daily goal of teachers, administrators, and students at Woodbury High School.

Much of the credit for Woodbury Senior High School's success belongs to its principal, Linda Plante, and the dedicated teachers. The students and staff at Woodbury Senior High School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Woodbury Senior High School should be very proud of their accomplishments.

I congratulate Woodbury Senior High School in Woodbury for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

HONORING DAVID HERMANCE

● Mrs. FEINSTEIN. Mr. President, I take a moment to pay tribute to David Hermance, who died in a tragic plane crash on November 25. David was the North American executive engineer for Advanced Technology Vehicles at Toyota.

Many Americans may not know David's name, but they know his work. He was one of the most well- respected environmentalists in America. He was a pioneer—called the Father of the American Prius—who worked tirelessly to help explain the workings and benefits of hybrid and other advanced technology vehicles.

David was an outspoken and passionate advocate. He championed advanced technology vehicles throughout his career at General Motors and Toyota and he earned a well-deserved reputation for being the most authoritative voice in America on hybrid technology. He helped me and many others better understand this new technology and its potential for creating a more sustainable future and a healthier world.

David was instrumental in raising awareness about the importance of these new technologies to help protect our environment. His death is a loss for us all.●

TRIBUTE TO SISTER CYNTHIA ''CINDY'' MAHONEY

● Mr. GRAHAM. Mr. President, today I ask that the Senate observe the recent passing of Sister Cynthia ''Cindy'' Mahoney and recognize her tireless service to this country. A former emergency medical technician, Sister Mahoney volunteered at Ground Zero in New York City on September 11, 2001, blessing victims and providing medical and spiritual attention to survivors. In the days following, Sister Mahoney helped set up a respite program for first responders at St. Paul's Chapel across from the World Trade Center. She also became an official Red Cross volunteer chaplain serving as a grief counselor at the Pier 91 Federal Emergency Management Agency center. In October 2001 Sister Mahoney joined the Red Cross Medical Examiner's Fatality Team as a chaplain working out of the morgue to bless human remains excavated from Ground Zero. She served on the Fatality Team well into 2002.

In September 2002 Sister Mahoney moved to South Carolina to establish a spiritual practice but was unsuccessful. By this time, Sister Mahoney was experiencing symptoms consistent with exposure to toxic materials like asbestos. Sadly she soon became homeless, and her physical condition continued to deteriorate. Last summer she was diagnosed with chronic obstructive pulmonary disease, COPD. Sister Mahoney died on November 1, 2006, from complications related to her pulmonary condition. I ask that the Senate join me in commemorating Sister Mahoney for her actions at Ground Zero on September 11 and in the months that followed that fateful day.●

RECOGNIZING THE CIVIL AIR PATROL

● Mr. HARKIN. Mr. President, as a member of the Civil Air Patrol for more than two decades and now commander of its Congressional Squadron, I am proud to speak to you today about CAP, an all-volunteer organization celebrating 65 years of service to the United States of America.

CAP was created on Dec. 1, 1941, to assist the U.S. military. During World War II, when Nazi U-boat submarines had infested our coastal waters, volunteer aviators of CAP's Coastal Patrol distinguished themselves valiantly. It was a time when the U.S. military was unable to effectively counter these submarines. Flying small single- and twin-engine aircraft armed with 50 and 100-pound bombs, these brave men and women flew more than 24 million miles during 86,000 over-water missions—a total of 244,600 flight hours to help win the battle against U-boats that were preying on coastal shipping.

Despite the risk of death, they spotted 173 subs, attacked 57, hit 10 and sank 2. The Coastal Patrol aircrews also called in aid for 91 ships in distress, saved 363 survivors of sub attacks, discovered 17 floating mines, and flew 5,684 special convoy missions.

Fifty-nine members of these courageous aircrews died, 26 were lost at sea, and 7 others were seriously injured. They were inspired by the highest sense of patriotism, and they served with pride.

Today, CAP continues that tradition as one of the most unique volunteer organizations in America, consisting of everyday heroes from pilots, teachers, and youth counselors to technology experts, communicators, and more. These volunteers, most employed at a paying job, perform 95 percent of inland search-and-rescue missions in the continental United States.

Whether performing search and rescue missions or helping communities recover from floods, wildfires, tornadoes, hurricanes, or terrorist attacks, CAP members are there to aid their Nation. In 2005 alone, they saved 73 lives.

Following last year's terrible gulf coast hurricanes, 1,800 CAP volunteers from 17 States converged on hurricane-ravaged communities, serving over 50,000 volunteer hours. These patriotic members flew 1,000 air missions during 2,000 hours of flight time and provided more than 2,000 time-critical images of affected areas. They also ensured the well-being of Americans by visiting 4,266 homes, contacting 8,500 residents, and distributing 30,000 pounds of relief supplies.

Coming full circle from its beginnings in World War II, Civil Air Patrol is again taking on homeland security responsibilities for the Nation. These include assisting the Air Force in ensuring the skies above Washington, DC, are safe and flying target-intercept training missions for U.S. military pilots all at a low cost of about $100 per mission.

With 530 aircraft and thousands of trained aircrew members, CAP is a tremendous asset to the United States at a critical juncture in our history. This capability, however, is now greatly enhanced because CAP, over the past few years, had the foresight to invest in developing and obtaining sophisticated new technologies to help with its emergency missions. Today it uses two high-technology imaging systems Airborne Real-time Cueing Hyperspectral Enhanced Reconnaissance, ARCHER, and satellite-transmitted digital imaging systems, SDIS, to assist in search and rescue, disaster-assessment missions and other missions. These technologies make it a vital asset to the Air Force, State governments and local communities.

CAP also provides exceptional growth opportunities to 22,550 youth in cadet programs, which stress leadership and moral responsibility and teach aviation and emergency response skills. Through CAP, these youth gain access to scholarship opportunities, top national summer flight academies, flight training in powered and glider aircraft, and programs that emphasize leadership and careers in aviation. They routinely help communities when disaster strikes and other emergencies occur by operating radios, helping park

aircraft, and serving on ground search and survey teams.

In addition, CAP's Aerospace Education Program touches over 400 educators, over 20,000 cadets, and thousands of other youths in classrooms across America by teaching them aerospace concepts that emphasize aviation's connection to history, math, science, government, and economics.

CAP's Missions for America annually impact the lives of thousands of Americans. These 56,000 volunteers all everyday heroes are deserving of our highest praise. Please join me in honoring and recognizing the Civil Air Patrol on the occasion of its 65th anniversary of service to our great Nation.●

WESTERN SOUTH DAKOTA SENIOR SERVICES MEAL PROGRAM

● Mr. JOHNSON. Mr. President, today I wish recognize the fine work of the Western South Dakota Senior Services Meals Program in South Dakota.

This year, the Meals Program celebrates 25 years of service to elderly and disabled individuals in western South Dakota. The Meals Program currently serves between 735 and 750 meals per day, or 185,000 meals annually, to residents at 28 stations in 16 communities. These communities include Rapid City, several cities in the Black Hills, and many rural communities in western South Dakota.

Despite declining budgets, the goal of the Meals Program has remained constant: to provide healthy and nutritious meals to hundreds of Black Hills and western South Dakota residents. Many of these individuals are homebound, and the noon meal they receive is often the only warm, healthy, and nutritious meal they receive during the day. The visit by the Meals Program volunteer is welcomed by the elderly or disabled individual who is unable to leave their home or apartment. It is an opportunity for a brief chat with a friend and to receive a nutritious, home-cooked meal.

Meals are also served at various apartment complexes or senior citizens centers where several tenants can come together, eat a good meal, and share stories with friends and neighbors. When someone is unable to attend the noon meal, the meal is delivered to the apartment and it is an opportunity to check on the health and welfare of the individual.

It is my hope that more individuals can receive the benefits of the Meals Program in my State and across the Nation. More funds are needed so that current programs can be maintained and expanded so that deserving individuals can get the nutritious meals they need. I appreciate the various local sponsors and entities that allow the Meals Program to function in western South Dakota.

I commend and applaud the great work of all the staff and volunteers of the Meals Program and congratulate Western South Dakota Senior Services, Inc., for their efforts. Thousands of western South Dakota residents have benefited greatly over the past 25 years from the Meals Program, and it is my hope these services can continue for many years to come.●

CONTROL GROUP'S 100 ANNIVERSARY

● Mr. LAUTENBERG. Mr. President, I am pleased to recognize and congratulate a great New Jersey company, the Control Group, on completing 100 years of service to firms and facilities throughout the country. This century-old company founded in 1906 by Austrian immigrant Louis Turen is the Nation's oldest, privately owned facility maintenance service company. The Control Group is still a family-owned and operated business and one of the largest private employers in the State of New Jersey. Four generations of the Turen family have directed Control Group from their headquarters in Secaucus, NJ.

Louis Turen began a one-man enterprise washing windows and provided maintenance services. He eventually passed the torch on to sons Nathan and Sam Turen, who continued the tradition. Today, Nathan's sons Edward D. Turen and Neal L. Turen carry the mantle of leadership of the organization. A fourth generation, Scott Turen continues to carry on the family tradition. The growth of the company has been consistent and has expanded internationally as well as across our country achieving revenues in excess of $300 million annually.

Control's success has produced a well-trained, loyal workforce of more than 7,000 employees providing their services to real estate, retail, banking, airport, pharmaceutical, and manufacturing industries as well as educational and public institutions. As a tribute to Control's high-quality service capabilities, its long-term customer base continues to grow, including some 50-year client relationships. Control Group has contributed to New Jersey's economy, its business climate and its jobs market.

Faithful to its traditions of reliable service, quality, and new products, the Control Group has earned a reputation for its integrity, vision, and dedication. It is believed that the company will continue to expand its service offerings which will continue to expand its growth and opportunity. We applaud and thank the Turen family and their fine companies for their commitment to quality and client satisfaction and its allegiance to its roots in the State of New Jersey.●

TRIBUTE TO LYNTON CALDWELL

● Mr. LUGAR. Mr. President, today I honor the life and work of a fellow Hoosier, Dr. Lynton Keith Caldwell, of Bloomigton, IN. I ask that the following tribute, attributed to Wendy Read Wertz of Bloomington, Indiana, be printed in the RECORD.

The tribute follows:

Dr. Lynton Keith Caldwell, 92, regarded as one of the twentieth century's most distinguished scholars in the fields of environmental policy, law, science and administration, and a principal architect of the National Environmental Policy Act of 1969, died on August 15, 2006, at his home in Bloomington, Indiana. At the time of his death Dr. Caldwell was Arthur F. Bentley Professor Emeritus of Political Science and Professor of Public and Environmental Affairs at Indiana University.

Today, Dr. Caldwell is frequently referred to as the ''father of NEPA'' and the ''inventor'' of the Environmental Impact Statement. Importantly, as he frequently reminded people later, NEPA did much more than simply mandate paperwork. True to its title, Congress established this nation's environmental policies in Section 101(a) of the Act, declaring that, ''it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.'' And the reach of those policies goes beyond the federal government to touch every American. Indeed, in the law, ''The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment'' (Section 101(c)).

Dr. Caldwell lived a full life, making contributions on many levels. He earned his undergraduate degree in English at the University of Chicago in 1934, his Masters degree at Harvard in History and Government in 1938, and his doctorate degree in Political Science at the University of Chicago in 1943 where his special focus was on public administration. In 1977 he was awarded an honorary LLD from Western Michigan University.

From 1944 until 1962 Dr. Caldwell's career was focused on public administration. U.N. appointments took him to Columbia, the Philippines and Turkey where he served in Ankara as the U.N. Co-Director of the Public Administration Institute for Turkey and the Middle East. He became a Professor of Government at Indiana University in 1956 where he served as Director of the Institute of Training for Public Service and Coordinator of the Indonesian and Thailand Public Administration programs. Further assignments in a consulting or lecturing capacity took him to Japan, Pakistan, India, Europe and Australia.

In his private capacity, however, Dr. Caldwell was deeply committed to conservation issues. A lover of nature from childhood, he became a knowledgeable botanist and bird watcher. He helped to found the South Bend branch of the Audubon Society, assisted in the establishment of the Indiana Dunes National Lakeshore, and was a founding member of both the first local chapter of The Nature Conservancy in New York and of the Indiana chapter. He served on the Board of Governors of the Nature Conservancy from 1959–1965.

Dr. Caldwell will undoubtedly be missed by the many, many former students, colleagues and professionals in this country and around the world who benefited from his insights and teachings. His dignity, knowledge and personal compassion for the people and world around him served this nation well.●

HONORING SALVATORE FERRO

● Mr. ROBERTS. Mr. President, today I honor Salvatore Ferro's 40 years of

dedicated service at the Defense Intelligence Agency, DIA. ''Sal,'' who has worked for all 16 Directors of the DIA, will be retiring on January 3, 2007. He will be sorely missed by the Select Committee on Intelligence.

Sal has had a long and distinguished Government career. Sal served with honor in the Army in the Vietnam War, working as an intelligence officer with the ''Phoenix'' program. After his discharge from the Army in 1969, Sal joined DIA, just 8 years after its establishment as an agency and went right back to Vietnam for a 1-year tour as a civilian intelligence officer.

After finishing his service in Vietnam, Sal returned to the United States to work in DIA's Arlington Hall Station facility in northern Virginia. During the next decade, Mr. Ferro drew on his wartime experience and his analytical talents to work on issues related to American servicemen taken as prisoners of war or declared missing in action in Southeast Asia.

In 1991, Sal moved over to DIA's Office for Congressional Affairs in the Pentagon. This is when our committee really came to know Sal. He has been an invaluable asset to the members and staff of the Senate Select Committee on Intelligence. He has been tenacious in getting answers to our many questions and requests for information. He has taken pride in being responsive and making sure that DIA consistently met our deadlines. More important, his professionalism, diplomatic skills, and amazingly positive personality have smoothed over countless ripples in DIA's relations with Congress. Ask any Intelligence Committee staffer who has dealt with Sal over the years, an they will tell you that he is not only a pleasure to work with, he is also a good friend. You can always count on Sal for a kind word and a ''happy Friday.''

Sal has supported the Intelligence Committee's oversight work on countless topics. Some of the most significant and time-consuming include the 9/11 Joint Inquiry, the review of the intelligence community's prewar intelligence assessments on Iraq, and the Able Danger review. I will always be most grateful to Sal for his tireless support over the years in my efforts to resolve the status of Navy pilot CAPT Scott Speicher, who has been missing since the first gulf war.

Mr. Sal Ferro is a true national intelligence asset, and he has been one of the Defense Intelligence Agency's secret weapons. He will be missed.

Thank you for your service, Sal, and don't be a stranger.●

TRIBUTE TO DR. NORMAN DUFFY

● Mr. ROCKEFELLER. Mr. President, today I join the Council for Advancement and Support of Education, CASE, and the Carnegie Foundation in honoring Dr. Norman Duffy. Dr. Duffy, a chemistry professor at Wheeling Jesuit University, has personified both the best in education and the best in West Virginia throughout his career.

After receiving his bachelor of science in chemistry from Georgetown University, where he continued his studies as a doctoral student, Dr. Duffy began his career as a graduate and research assistant. His research then took him overseas where he became a NATO postdoctoral fellow at University College in London. After receiving his Ph.D. he began his teaching career at Kent State University where he first became a full professor and then eventually chairman of the Department of Chemistry.

Upon his departure from Kent State University in 1996, Dr. Duffy joined the faculty of Wheeling Jesuit University, WJU. From 1996 to 2000 he was chairman of the Department of Biology and Chemistry and from 2000 to 2002 he was Chairman of the Department of Chemistry. He continues teaching small classes that allow him to focus on individualized education as a professor in the Department of Chemistry.

In addition to his illustrious teaching career, Dr. Duffy has done a great deal to further the general public's knowledge of chemistry and has been acknowledged for doing so. He has released 95 publications, authored 14 research grants at WJU, including three from the National Science Foundation, and has received many honors and awards including the Exemplary Teacher award from the American Association of Higher Education during their 25th anniversary celebration in 1994.

In my decades of service to the people of West Virginia in the Senate, I have become very familiar with Wheeling Jesuit University and its outstanding academic programs. For 10 consecutive years US News and World Report has ranked WJU as among the best master's universities in the South.

Wheeling Jesuit has become one of the leading universities in the country in helping to educate and prepare students for the dynamic economy of the 21st century. WJU is home to the brand new $10 million Acker Science Center, the Robert C. Byrd National Technology Transfer Center, the Erma Ora Byrd Center for Educational Technologies, and NASA's flagship educational program, The Classroom of the Future, which uses simulated space missions as a way to teach elementary and high school students about science and math.

The true legacy of a teacher is the mark that their students leave on the world, and by that measurement Dr. Duffy has certainly had a remarkable career. He has taught future Fulbright Scholars, many students who have received departmental honors, and, of course, students who have been inspired enough by his example to become teachers themselves.

As a teacher, Dr. Duffy admits his work is never finished. Whenever he is asked if he plans to retire, Dr. Duffy responds by asking, ''Does everyone in West Virginia understand chemistry?'' Dr. Duffy's dedication is obvious and inspiring.●

JOHN ''BUCK'' O'NEIL EULOGY

● Mr. TALENT. Mr. President, today I wish to pay my respects and to say goodbye to a man who was bigger than life itself. John Jordan ''Buck'' O'Neil passed away on Friday, October 6, in Kansas City at the age of 94. Buck was a gifted baseball player, a veteran of the U.S. Navy, a devoted community leader, a role model for young and old and a good friend he was and will always be an American Hero.

I count myself as truly fortunate to have known Buck and will always cherish the opportunities I had to visit with him. When I think of Buck, I think of a great and loving man with a heart as big as Kansas City who believed that love and education could heal all wounds. I think of his near mythical baseball career, a career that spanned seven decades, making him a foremost authority of the game and one of its greatest ambassadors. I think of his contributions to his community as a role model and to society as a leader in the civil rights movement. Buck's contributions to the game of baseball and society will be everlasting.

I'd like to take a few minutes to tell you a little bit about Buck's life.

Buck O'Neil, the player, was a first baseman and manager for the Kansas City Monarchs from 1937 through 1955. His achievements include hitting .353 and leading his team to the 1942 Negro World Series Title. His career batting average of .288, included four .300–plus seasons winning batting titles in 1940 and 1946, hitting .345 and.353 respectively. Buck played in the 1942, 1943 and 1949 East-West All-Star Classics and barnstormed with the Satchel Paige All-Stars during the 1930s and 1940s.

Buck O'Neil, the manager, led the Monarchs from 1948 through 1955. His achievements as a manager include sending more Negro League players to the Major Leagues than any other manager in baseball history, including Ernie Banks, Elston Howard, Connie Johnson, Sweet Lou Johnson, and Satchel Paige. He led the Monarchs to league titles in 1948, 1950, 1951 and 1953 and he managed the West squad in the East-West All-Star game in 1950, 1952, 1954 and 1955—the West won all four contests.

In 1956, Buck was hired by the Chicago Cubs as a scout paving the way for him to make history 6 years later when he became the first African American to coach in the Major Leagues. As a scout he discovered such superstars as Lou Brock and Joe Carter. In 1988, after more than 30 years with the Cubs, he returned home to Kansas City to scout for the Kansas City Royals.

The work Buck did after his retirement from the game are arguably more significant to the history of baseball than his exploits on the field as a player, scout and manager. Buck's true passion over the past 16 years was to share with the world the contributions that

Negro Leagues players made to our National Pastime and more importantly to society through his work as chairman of America's National Negro Leagues Baseball Museum in Kansas City.

Buck's tireless work led the Baseball Hall of Fame in Cooperstown, NY, to hold a special election this spring to induct Negro Leagues and pre-Negro Leagues candidates into the Hall. In July, 17 legendary players, managers and owners were inducted into the Hall. This induction was bittersweet for many of us as its most visible legend, Buck O'Neil, did not receive the necessary votes. Although many of us viewed this as an outrageous oversight, Buck graciously viewed this as one of the greatest days in Negro Leagues history. That was Buck in his truest form. He was always about doing the right thing. No matter what doors had been closed to him; he always picked himself up and did what was right, never what was easiest or most beneficial to himself. What was most important to Buck was his true love for the Negro Leagues, the Negro Leagues players and the Negro Leagues Baseball Museum—he poured all of his life and energy into seeing that their stories were told and never forgotten.

Buck reminded us that these Leagues and their players are significant on so many levels: they represent a triumph of the human spirit, tremendous sportsmanship, high quality of play, were of vital importance to the African American community, and they led directly to the integration of the Major Leagues, which was the first in a series of major civil rights landmarks that eventually led to the progress we have achieved today. Buck was significant in so many ways and on so many different levels in his own right—he played an important part in shaping the America we live in today.

Buck's remarkable life reminds me of a favorite poem, Game Called, by Grantland Rice. I'd like to read it into the RECORD:

Game Called. Across the field of play
the dusk has come, the hour is late.
The fight is done and lost or won,
the player files out through the gate.
The tumult dies, the cheer is hushed,
the stands are bare, the park is still
But through the night there shines the light,
home beyond the silent hill

Game Called. Where in the golden light
the bugle rolled the reveille.
The shadows creep where night falls deep,
and taps has called the end of play.
The game is done, the score is in,
the final cheer and jeer have passed.
But in the night, beyond the fight,
the player finds his rest at last.

Game Called. Upon the field of life
the darkness gathers far and wide,
the dream is done, the score is spun
that stands forever in the guide.
Nor victory, nor yet defeat
is chalked against the players name.
But down the roll, the final scroll,
shows only how he played the game.

There is little question that Buck played the game with all his heart and lived his life to the fullest. Buck, you will be missed but not forgotten. Our Nation is better by virtue of your play on the field and service off the field. The principle by which you lived your life will carry on through all who knew you. The freedom for which you fought endures. May God bless you with a splendid room within His house. He has certainly blessed me with the privilege of having known you.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:07 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. 1458. An act to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce.

H.R. 4997. An act to extend for 2 years the authority to grant waivers of the foreign country residence requirement with respect to certain international medical graduates.

H.R. 5280. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes.

H.R. 5798. An act to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes.

The message also announced that the House agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 484. Concurrent resolution commending The New York Institute for Special Education for providing excellent education for students with blindness and visual disabilities for 175 years, and for broadening its mission to provide the same quality education to students with emotional and learning disabilities.

H. Con. Res. 497. Concurrent resolution to honor the memory of Arnold ''Red'' Auerbach.

The message further announced that the House passed the bill (S. 2125) to promote relief, security, and democracy in the Democratic Republic of the Congo with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 1219. An act to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association.

S. 2250. An act to award a congressional gold medal to Dr. Norman E. Bourlag.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

At 5:52 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 2370. An act to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 3759. An act to name the Armed Forces Readiness Center in Great Falls, Montana, in honor of Captain William Wylie Galt, a recipient of the Congressional Medal of Honor.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6344. An act to reauthorize the Office of National Drug Control Policy Act.

H.R. 6345. An act to make a conforming amendment to the Federal Deposit Insurance Act with respect to examinations of certain insured depository institutions, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 4110. A bill to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–9226. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clothianidin; Pesticide Tolerances'' (FRL No. 8105-5) received on December 4, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9227. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyproconazole; Pesticide Tolerances for Emergency Exemptions'' (FRL No. 8093-4) received on December 4, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9228. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Paraquat Dichloride; Pesticide Tolerance

Correction'' (FRL No. 8100-3) received on December 4, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9229. A communication from the Secretary of Agriculture, transmitting, a report of draft legislation that would provide relief and assistance to the village of Caseyville, Illinois regarding flood prevention and easement issues; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9230. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report on the approved retirement of Lieutenant General Robert T. Clark, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–9231. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report on the approved retirement of Lieutenant General Larry J. Dodgen, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–9232. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report on the approved retirement of Lieutenant General John R. Vines, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–9233. A communication from the President, Federal Financing Bank, transmitting, pursuant to law, the Bank's management report for fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9234. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–9235. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (71 FR 64148) received on December 4, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9236. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (71 FR 64141) received on December 4, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9237. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (71 FR 64132) received on December 4, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9238. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (71 FR 60854) received on December 4, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9239. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (71 FR 59385) received on December 4, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–9240. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the Understandings Reached at the June 2006 Australia Group Plenary Meeting; Clarifications and Corrections; Additions to the List of States Parties to the Chemical Weapons Convention'' (RIN0694–AD86) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9241. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Addition of 'Montenegro' and 'Serbia' as Separate Countries in the Export Administration Regulations Based on U.S. Recognition of Montenegro as a Sovereign State'' (RIN0694-AD58) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9242. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule; Closure (New York Summer Flounder Commercial Fishery)'' (ID No. 102706A) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9243. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Imposition of Foreign Policy Controls on Surreptitious Communications Intercepting Devices'' (RIN0694–AC82) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9244. A communication from the Legal Advisor to the Bureau Chief , Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Burkesville, Greensburg, Hodgenville, Horse Cave, Lebanon, Lebanon Junction, Lewisport, Louisville, Lyndon, New Haven, Springfield and St. Matthews, Kentucky, Edinburgh, Hope, Tell City and Versailles, Indiana, Belle Meade, Goodlettsville, Hendersonville, Manchester and Millersville, Tennessee)'' (MB Docket No. 06–77) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9245. A communication from the Legal Advisor to the Bureau Chief , Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Chester, Virginia; Fruitland, Maryland; Lakeside, Virginia; Port Norris, New Jersey; Warsaw, Virginia, and Willards, Maryland)'' (MB Docket No. 04–409) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9246. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Powers, Oregon and Zapata, Texas)'' (MB Docket Nos. 05–14 and 05–15) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9247. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Boonville and Wheatland, Missouri)'' (MB Docket No. 06–88) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9248. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Carrizo Springs, Texas)'' (MB Docket No. 06–50) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9249. A communication from the Acting Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Unlicensed Operation in the TV Broadcast Bands; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band'' (ET Docket Nos. 04–186 and 02–380) received on December 4, 2006; to the Committee on Commerce, Science, and Transportation.

EC–9250. A communication from the Administrator and Chief Executive Officer, Booneville Power Administration, Department of Energy, transmitting, pursuant to law, the Administration's annual report; to the Committee on Energy and Natural Resources.

EC–9251. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Blanket Certificate Regulations and Clarification Regarding Rates'' (Docket No. RM06–7–000) received on December 4, 2006; to the Committee on Energy and Natural Resources.

EC–9252. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Nonprocurement Debarment and Suspension'' (RIN1991–AB74) received on December 4, 2006; to the Committee on Energy and Natural Resources.

EC–9253. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Emission Reductions to Meet Phase II of the Nitrogen Oxides (NOx) SIP Call; Correction'' (FRL No. 8249–7) received on December 4, 2006; to the Committee on Environment and Public Works.

EC–9254. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri'' (FRL No. 8250–7) received on December 4, 2006; to the Committee on Environment and Public Works.

EC–9255. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL No. 8250–9) received on December 4, 2006; to the Committee on Environment and Public Works.

EC–9256. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL No. 8251–2) received on December 4, 2006; to the Committee on Environment and Public Works.

EC–9257. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Revisions to Regulation 1102—Permits'' (FRL No. 8252–5) received on December 4, 2006; to the Committee on Environment and Public Works.

EC–9258. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maine; Redesignation of the Portland, Maine and the Hancock, Knox, Lincoln and Waldo Counties, Maine Ozone Nonattainment Areas to Attainment and Approval of These Areas' Maintenance Plans'' (FRL No. 8253–4) received on December 4, 2006; to the Committee on Environment and Public Works.

EC–9259. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans, South Carolina: Revisions to State Implementation Plan'' (FRL No. 8252–9) received on December 4, 2006; to the Committee on Environment and Public Works.

EC–9260. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Monitoring and Volatile Organic Compound Rules'' (FRL No. 8243–9) received on December 4, 2006; to the Committee on Environment and Public Works.

EC–9261. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters: Reconsideration of Emissions Averaging Provision and Technical Corrections'' (FRL No. 8252–2) received on December 4, 2006; to the Committee on Environment and Public Works.

EC–9262. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revocation of TSCA Section 4 Testing Requirements for Coke-Oven Light Oil (Coal)'' ((RIN2070–AD16)(FRL No. 8103–2)) received on December 4, 2006; to the Committee on Environment and Public Works.

EC–9263. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''State Operating Permit Programs; Delaware; Amendments to the Definition of a 'Major Source' '' (FRL No. 8252–3) received on December 4, 2006; to the Committee on Environment and Public Works.

EC–9264. A communication from the Acting U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report relative to the President's Emergency Plan for AIDS Relief; to the Committee on Foreign Relations.

EC–9265. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the implementation of the Age Discrimination Act of 1975 by the departments and agencies that administer programs of Federal financial assistance; to the Committee on Health, Education, Labor, and Pensions.

EC–9266. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the findings of the evaluations of certain Public Housing Service Act programs; to the Committee on Health, Education, Labor, and Pensions.

EC–9267. A communication from the Director, Directorate of Construction, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Steel Erection; Slip Resistance of Skeletal Structural Steel'' (RIN1218–AC14) received on December 4, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–9268. A communication from the General Counsel, Government Accountability Office, transmitting, pursuant to law, a report relative to the implementation of the Office's recommendations; to the Committee on Homeland Security and Governmental Affairs.

EC–9269. A communication from the Chairman, United States International Trade Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9270. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9271. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9272. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9273. A communication from the Special Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting, pursuant to law, a report relative to personnel employed in various Executive offices; to the Committee on Homeland Security and Governmental Affairs.

EC–9274. A communication from the Attorney General, transmitting, pursuant to law, the ''Inspector General's Semiannual Report to Congress'' and the ''Attorney General's Semiannual Management Report to Congress''; to the Committee on Homeland Security and Governmental Affairs.

EC–9275. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Inspector General's semiannual report for the period April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9276. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the semiannual report relative to the Office of Inspector General's auditing activity and a report relative to the implementation status of audit recommendations; to the Committee on Homeland Security and Governmental Affairs.

EC–9277. A communication from the Secretary of Labor, transmitting, pursuant to law, the Inspector General's semiannual report on the Department for period April 1, 2006 through September 30, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9278. A communication from the President of the United States, transmitting, an alternative plan for locality pay increases payable to certain civilian Federal employees; to the Committee on Homeland Security and Governmental Affairs.

EC–9279. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the Corps' Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–9280. A communication from the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled ''Los Carneros Viticultural Area Technical Amendment'' (RIN1513–AB32) received on December 4, 2006; to the Committee on the Judiciary.

EC–9281. A communication from the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Tracy Hills Viticultural Area'' (RIN1513–AA89) received on December 4, 2006; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–444. A resolution adopted by the Michigan House of Representatives relative to extending the production tax credit for wind power energy development; to the Committee on Finance.

HOUSE RESOLUTION NO. 307

Whereas, Energy is our economic lifeblood. Indeed, with energy prices soaring to new and never seen heights in our country this is more apparent now than ever. In an effort to foster the development of alternative energy sources for the future, a production tax credit for wind power energy development was established in 1992. The success of this program is evident in the significant progress that has been made in the development of clean sources of power for our country in the years since that time; and

Whereas, The long-term effectiveness of the production tax credit for wind energy development has been impeded by the fact that this important program faces sunset provisions every two years. Although the sunset is a productive oversight tool to ensure sound spending policies, an extended effort like developing viable wind energy technologies requires enormous capital expenses and long-term commitment. The requirement for renewal every two years has proven to be counterproductive, as demonstrated by the fact that during most two-year cycles, the amount of power added by wind energy investment drops considerably in the second year as developers worry if the tax credit will be renewed after its sunset expiration; and

Whereas, The production tax credit would be far more effective if it could be extended farther beyond a two-year period. Like most other tax credits the government creates to encourage beneficial behaviors, the production tax credit is designed to foster an emerging and capital-intensive industry that may one day be a key part of America's overall energy needs. Clearly, wind energy technology will see many more significant advances with a consistent, multiple-year tax approach; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to extend the production tax credit for wind power energy development beyond the two-year cycle under which it now operates: and be it further

Resolved, That copies of this document be presented to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–445. A resolution adopted by the Pennsylvania House of Representatives relative to securing international recognition and rights for the Ecumenical Patriarchate; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 876

Whereas, The Ecumenical Patriarchate, located in Istanbul, Turkey, is the sacred See that presides in a spirit of brotherhood over a communion of the self-governing churches of the Orthodox Christian world; and

Whereas, The See is led by Ecumenical Patriarch Bartholomew, who is the 269th in direct succession to the Apostle Andrew and holds titular primacy as primus inter pares, meaning ''first among equals'' in the community of Orthodox churches worldwide; and

Whereas, In 1994 Ecumenical Patriarch Bartholomew, along with leaders of the Appeal of Conscience Foundation, cosponsored the Conference on Peace and Tolerance, which brought together Christian, Jewish and Muslim religious leaders for an interfaith dialogue to help end the Balkan conflict and the ethnic conflict in the Caucasus region; and

Whereas, In 1997 the Congress of the United States awarded Ecumenical Patriarch Bartholomew with the Congressional Gold Medal; and

Whereas, Following the terrorist attacks on our nation on September 11, 2001, Ecumenical Patriarch Bartholomew gathered a group of international religious leaders to produce the first joint statement with Muslim leaders that condemned the 9/11 attacks as ''anti-religious''; and

Whereas, In October 2005 the Ecumenical Patriarch, along with Christian, Jewish and Muslim leaders, cosponsored the Conference on Peace and Tolerance to further promote peace and stability in southeastern Europe, the Caucasus region and Central Asia via religious leaders' interfaith dialogue, understanding and action; and

Whereas, The Orthodox Christian Church, in existence for nearly 2,000 years, numbers approximately 300 million members worldwide with more than 2 million members in the United States; and

Whereas, Since 1453 the continuing presence of the Ecumenical Patriarchate in Turkey has been a living testament to the religious coexistence of Christians and Muslims; and

Whereas, This religious coexistence is in jeopardy because the Government of Turkey refuses to recognize the rights and religious freedoms of the Ecumenical Patriarchate, which is considered a minority religion by the Turkish government; and

Whereas, The Government of Turkey has limited the candidates available to hold the office of Ecumenical Patriarch to only Turkish nationals, and from the millions of Orthodox Christians living in Turkey at the turn of the 20th century, and due to the continued policies of minority discrimination during this period by the Turkish government, there remain less than 3,000 of the Ecumenical Patriarch's flock left in Turkey today; and

Whereas, The Government of Turkey has reneged on its agreement to reopen the Theological School on the island of Halki, which the Turkish government closed in 1971, thus impeding training for Orthodox Christian clergy; and

Whereas, The Turkish government has confiscated nearly 94% of the properties of the Ecumenical Patriarchate and has placed a 42% tax retroactive to 1999 on the Baloukli Hospital and Home for the Aged, a charity hospital run by the Ecumenical Patriarchate; and

Whereas, The European Union, a group of nations with a common goal of promoting peace and the well-being of its peoples, began accession negotiations with Turkey on October 3, 2005; and

Whereas, The European Union defined membership criteria for accession at the Copenhagen European Council in 1993, obligating candidate countries to achieve certain levels of reform, including stability of institutions guaranteeing democracy, adherence to the rule of law and respect for and protection of minorities and human rights; and

Whereas, The Turkish government's current treatment of the Ecumenical Patriarchate is inconsistent with the membership conditions and goals of the European Union; and

Whereas, Orthodox Christians in this Commonwealth and throughout the United States stand to lose their spiritual leader because of the continued actions of the Turkish government; and

Whereas, In November 2006 the Archons of the Ecumenical Patriarchate of the Order of St. Andrew the Apostle, a group of laymen who each have been honored with a Patriarchal title, or ''offikion,'' by the Ecumenical Patriarch for their outstanding service to the Orthodox Church, will send an American delegation to Turkey to meet with Turkish government officials, as well as the United States Ambassador to the Republic of Turkey, regarding the Turkish government's treatment of the Ecumenical Patriarchate; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the Government of Turkey to do all of the following:

(1) Uphold and safeguard religious and human rights without compromise.

(2) Cease its discrimination of the Ecumenical Patriarchate.

(3) Grant the Ecumenical Patriarch appropriate international recognition, ecclesiastic succession and the right to train clergy of all nationalities.

(4) Respect the property rights and human rights of the Ecumenical Patriarchate; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the United States Ambassador to the Republic of Turkey, to the Ambassador of the Republic of Turkey to the United States and to the Pennsylvania Congressional Delegation.

POM–446. A resolution adopted by the Michigan Senate relative to increasing funding to fully implement the Vaccine for Children Program; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 162

Whereas, The Vaccine for Children program is an outstanding example of a successful public-private partnership between the United States Centers for Disease Control and Prevention and healthcare providers. Vaccines purchased with the buying power of the federal government are distributed, at no cost to the patient or provider, to all participating providers caring for uninsured and underinsured children, Medicaid recipients, and Native Americans and Alaskan Natives. By distributing three-fourths of all the publicly funded doses, the Vaccine for Children program gives eligible children access to newly recommended vaccines and strengthens immunity levels across the community. Further, the program delivers vaccines to children as part of their routine, primary care rather than diverting them to public health departments; and

Whereas, A list of vaccines to be administered through the Vaccine for Children program is developed through sound, scientific review. The Advisory Committee on Immunization Practices is authorized in statute to establish the list of vaccines to be administered through the program. Fifteen experts in infectious disease and immunization who sit on the committee meet publicly three times a year to consider revising the list through the addition of new vaccines or revising existing vaccine resolutions. The list then provides the basis for the Centers for Disease Control and Prevention to negotiate contacts for the purchase of large quantities of childhood vaccines; and

Whereas, The Vaccine for Children program adheres to the Vaccine Management Business Improvement Project, which leverages commercial best practices in vaccine procurement, ordering, distribution, and supply management. The program saves money for states through bulk purchases and eliminates variations in price from state to state. By managing public resources so astutely, the program has achieved the ultimate goal of eliminating cost as a barrier to vaccinating eligible children; now, therefore, be it

Resolved by the Senate, That we memorialize Congress to increase funding to fully implement the Vaccine for Children program; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. GRASSLEY for the Committee on Finance.

*Eric Solomon, of New Jersey, to be an Assistant Secretary of the Treasury.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN:

S. 4099. A bill for the relief of Perlat Binaj, Almida Binaj, Erina Binaj, and Anxhela Binaj; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LUGAR, Ms. MIKULSKI, and Mr. SANTORUM):

S. 4100. A bill to expand visa waiver program to countries on a probationary basis and for other purposes; to the Committee on the Judiciary.

By Mr. INHOFE (for himself and Mr. CARPER):

S. 4101. A bill to amend the Federal Water Pollution Control Act to provide more effective permitting and enforcement mechanisms for stormwater discharges associated with residential construction activity; to the Committee on Environment and Public Works.

By Mr. OBAMA:

S. 4102. A bill to amend the Communications Act of 1934 to prohibit the use of telecommunications devices for the purposes of preventing or obstructing the broadcast or exchange of election-related information; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON:

S. 4103. A bill to prevent nuclear terrorism, and for other purposes; to the Committee on Armed Services.

By Mr. SMITH:

S. 4104. A bill to amend the Internal Revenue Code of 1986 to provide credit rate parity for all renewable resources under the electricity production credit; to the Committee on Finance.

By Ms. LANDRIEU:

S. 4105. A bill to authorize the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana; to the Committee on Environment and Public Works.

By Mr. SCHUMER:

S. 4106. A bill to provide for research into the development of energy-efficient technologies and to foster the introduction of energy-efficient technologies into the marketplace, with the goal of reducing United States oil imports; to the Committee on Energy and Natural Resources.

By Mr. KERRY:

S. 4107. A bill to amend the Internal Revenue Code of 1986 to replace the Hope and Lifetime Learning credits with a partially refundable college opportunity credit; to the Committee on Finance.

By Mr. BINGAMAN:

S. 4108. A bill to amend the Colorado River Storage Project Act and Public Law 87–483, to authorize the construction and rehabilitation of water infrastructure in Northwestern New Mexico, to authorize the use of the reclamation fund to fund the Reclamation Water Settlements Fund, to authorize the conveyance of certain Reclamation land and infrastructure, to authorize the Commissioner of Reclamation to provide for the delivery of water, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG:

S. 4109. A bill to amend title 49, United States Code, to prohibit the operation of certain aircraft not complying with stage 3 noise levels; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH (for himself, Mr. INOUYE, Mr. MCCAIN, Mr. NELSON of Florida, Mr. BURNS, and Mr. PRYOR):

S. 4110. A bill to enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST:

S. Res. 626. A resolution relating to the retirement of Linda E. Sebold; considered and agreed to.

By Mr. LUGAR (for himself, Mr. BIDEN, and Mr. REID):

S. Res. 627. A resolution commemorating the one-year anniversary of the November 9, 2005, terrorist attacks in Amman, Jordan; considered and agreed to.

By Mr. STEVENS (for himself, Mr. INOUYE, Ms. SNOWE, Ms. LANDRIEU, Mr. GREGG, Mr. LOTT, Mr. REED, Ms. CANTWELL, Mr. VITTER, Mr. SALAZAR, Mr. AKAKA, Mr. WYDEN, Mr. SMITH, Ms. MURKOWSKI, and Mr. COCHRAN):

S. Res. 628. A resolution supporting the 200th anniversary of the nation's nautical charting and related scientific programs, which formed the basis for what is today the National Oceanic and Atmospheric Administration; considered and agreed to.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 629. A resolution establishing a procedure for affixing and removing permanent artwork and semi-permanent artwork in the Senate wing of the Capitol and in the Senate office buildings; considered and agreed to.

By Mr. STEVENS:

S. Con. Res. 123. A concurrent resolution providing for correction to the enrollment of the bill H.R. 5946; considered and agreed to.

ADDITIONAL COSPONSORS

S. 676

At the request of Mr. STEVENS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 676, a bill to provide for Project GRAD programs, and for other purposes.

S. 729

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 729, a bill to establish the Food Safety Administration to protect the public health by preventing food-borne illness, ensuring the safety of food, improving research on contaminants leading to food-borne illness, and improving security of food from intentional contamination, and for other purposes.

S. 828

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1405

At the request of Mr. NELSON of Nebraska, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1405, a bill to extend the 50 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility and to establish the National Advisory Council on Medical Rehabilitation.

S. 3696

At the request of Mr. BROWNBACK, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor 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. 3744

At the request of Mr. DURBIN, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3922

At the request of Ms. MURKOWSKI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3922, a bill to clarify the status of the Young Woman's Christian Association Retirement Fund as a defined contribution plan for certain purposes.

S. 4080

At the request of Mr. STEVENS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 4080, a bill to amend title 17, United States Code, with respect to settlement agreements reached with respect to litigation involving certain secondary transmissions of superstations and network stations.

S. 4096

At the request of Mr. VOINOVICH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 4096, a bill to require the Secretary of the Army to operate and maintain as a system the Chicago sanitary and ship canal dispersal barriers to prevent the spread of aquatic invasive species into the Great Lakes, and to determine the feasibility of a dispersal barrier project at the Lake Champlain Canal, and for other purposes.

S. 4098

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 4098, a bill to improve the process for the development of needed pediatric medical devices.

S. CON. RES. 106

At the request of Mr. JOHNSON, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. Con. Res. 106, a concurrent resolution expressing the sense of Congress regarding high level visits to the United States by democratically elected officials of Taiwan.

S. RES. 590

At the request of Mr. VITTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 590, a resolution designating the second Sunday in December 2006, as ''National Children's Memorial Day'' in conjunction with The Compassionate Friends Worldwide Candle Lighting.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LUGAR, Ms. MIKULSKI, and Mr. SANTORUM):

S. 4100. A bill to expand visa waiver program to countries on a probationary basis and for other purposes; to the Committee on the Judiciary.

Mr. VOINOVICH. Mr. President, I rise to introduce The Secure Travel and Counterterrorism Partnership Act of 2006, along with my good friends Senators AKAKA, LUGAR, MIKULSKI, and SANTORUM.

This legislation would expand the U.S. Visa Waiver Program in a way that would increase cooperation with key allies in the war on terror while strengthening U.S. national security.

The bill provides a way for us to expand and improve the visa waiver system so that Americans are safer and our Nation is more prosperous for years to come.

This legislation comes at a particularly important time in our Nation's history. We are currently facing multiple foreign policy challenges in the post-9/11 world. We need the cooperation of several allies to combat transnational threats. As such, we are asking our friends and allies to contribute more of their troops and resources to Iraq, Afghanistan, and other conflicts in the world, so that we can be successful. This legislation will help us to solidify these relationships and increase goodwill toward the U.S. for years to come, while also enhancing travel security and safety at home.

My legislation would authorize the Department of Homeland Security, in consultation with the Department of State, to expand the Visa Waiver Program to countries that are true friends of America and prepared to do more to help us keep terrorists and criminals out of our borders.

For those that do not know about the Visa Waiver Program, it was established in 1986 to improve relations with U.S. allies and strengthen the U.S. economy. The program permitted nationals from the selected countries to enter the United States without a visa for up to 90 days for tourism or business.

Currently, 27 countries participate in the program, including the United Kingdom. But there are a number of new allies who would also like to participate in the Visa Waiver Program and are willing to meet strict security requirements and cooperate on counterterrorism initiatives.

Many of these countries were former members of the Soviet Union. They were victims of Soviet oppression for years, against their will, and despite their desire for freedom.

Today, many of these countries have boots on the ground in Iraq and Afghanistan and want to help us stop the terrorists and promote democracy. These countries are naturally suited to help other countries as they fight for freedom and democracy. Many of these countries are also actively engaged in Cuba, helping to promote democracy there. Likewise, they have a unique understanding of the struggle for democracy that is taking place in Iraq and Afghanistan.

Despite their commitments to the principles of freedom and democracy, these countries are still paying a price that other countries in the West do not pay. Citizens of Portugal, the U.K., or Spain can travel easily to the U.S., while citizens of Poland, Hungary, and Slovakia are given second-class treatment.

I would like to share a few examples to put a human face on this problem.

I recently learned of a story involving a young Czech officer who served in Iraq with Americans. This soldier wanted to come to America to visit the American friends he made during combat operations. But his application for a visa was refused. Why? Because his passport included a visit to Iraq, the very place he served with American soldiers.

Another example involves young students from places like Latvia, Estonia, or Bulgaria. These young people have a positive view of America and hope to visit our country. However, their expensive visa applications are frequently rejected, dampening their spirits and tainting their image of America. And this view is spreading every day.

By limiting travel to the U.S., we are risking a loss of influence with the future leaders of our closest allies.

I have been working for the last several months to develop a piece of legislation that will address these challenges, without sacrificing U.S. security. I was pleased when I heard President Bush announce his intention to focus on this issue in the coming year. On the margins of the NATO Summit in Riga, he called on Congress to expand the Visa Waiver Program so that we can reward our closest allies for their help and friendship.

I agree with the President—but I want to clarify that this is not simply a reward for these countries. The true reward is the knowledge that we are free and democratic countries working together to advance international security. But the foremost goal of this legislation is to create mutually beneficial partnerships with clear national security advantages for the United States.

By continuing on the current path, we risk marginalizing some of our closest allies in the war on terror and losing the hearts and minds of their future leaders and citizens. We have an opportunity to change direction in a way that will promote our own national security interests and improve control of our borders. The Secure Travel and Counterterrorism Partnership Act can achieve all of these objectives.

What would this bill do?

The legislation would expand visa-free travel privileges for up to five new countries, for a probationary period of 3 years.

In order for a country to participate in the plan, the executive branch would first need to certify that the country is cooperative on counterterrorism and does not pose a security or law enforcement threat to the United States. However, the country would also be required to take a number of new steps to enhance our common security.

Prior to participation, the countries would be required to conclude new agreements with the United States to further strengthen cooperation on counterterrorism and improve information-sharing about critical security issues.

Some might say—if these countries are key allies, aren't they cooperating with us already? The answer is yes. They are very cooperative. But in today's heightened security environment, there is more that each country can do, such as sharing additional sensitive information that can help our intelligence community and law enforcement agencies investigate threats and combat terrorist activity. By negotiating new agreements on counterterrorism and information-sharing to permit participation in the Visa Waiver Program, we can reduce threats to the United States.

Additionally, the legislation would require the countries to enact a number of significant security measures, which would limit illegal entry and unlawful presence in their countries and impede travel by terrorists and transnational criminals. Security standards required for participation in the program would include electronic passports with biometric information, as well as prompt reporting of lost, stolen, or fraudulent travel documents to the U.S. and Interpol.

These new requirements would help make the U.S. more secure. Expanding the number of participating countries would increase the number of states meeting common security standards. This would allow the United States to shift consular resources used to issue visas to other missions with more critical security needs.

If at any time, participant countries are not complying with these requirements, their probationary status in the program could be revoked. Likewise, if the program is determined to be successful, it could be expanded to include additional countries.

The last part of the legislation is aimed at enhancing security requirements for countries who are currently participating in the Visa Waiver Program. In this post 9/11 world, the U.S. Government has already required additional security measures of participating visa waiver countries, such as machine-readable passports with biometric information. But we can and must do more.

I was very pleased that last week, Homeland Security Secretary Chertoff recommended several new measures to further enhance the efficiency and security of the Visa Waiver Program. His

recommendations included an electronic travel authorization system, additional passenger information exchanges, common standards for airport security and baggage screening, cooperation in the air marshal program, and home country assistance in repatriation for any traveler who overstays the terms of their visa or violates U.S. law.

As the administration works to develop the details of these recommendations, my legislation would require that within one year, the executive branch provide a report to Congress on its plans for the Visa Waiver Program improvements.

In addition to the benefits to foreign relations and homeland security, this bill would do a great deal to advance U.S. competitiveness. Visa-free travel to the United States has been proven to significantly boost tourism and business, as well as airline revenues, and would generate substantial economic benefits to the United States well into the future. Additionally, it would improve attitudes toward the United States throughout the world, which would benefit the U.S. economy and national security for generations to come.

As a member of both the Foreign Relations and the Homeland Security and Governmental Affairs Committees, I believe that we have a real opportunity to improve our foreign relations, our homeland defense, and the visa waiver system overall.

Therefore, I call on my colleagues in the Senate and the House to examine this legislation with a serious eye, refraining from the knee-jerk reaction that an expanded program is bad for national security. When you look at the facts involved and the opportunities ahead, you can see that we have a chance to improve security cooperation and strengthen the bonds of friendship with our allies in the war on terror.

I look forward to working with my colleagues in the Congress and the President to move this legislation forward.

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I look forward to working with my colleagues in the Congress and the President to move this legislation forward.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 4100

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 ''Secure Travel and Counterterrorism Partnership Act''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that the United States should expand the visa waiver program to extend visa-free travel privileges to nationals of foreign countries that are allies in the war on terrorism as that expansion will—

(1) enhance bilateral cooperation on critical counterterrorism and information sharing initiatives;

(2) support and expand tourism and business opportunities to enhance long-term economic competitiveness; and

(3) strengthen bilateral relationships.

SEC. 3. VISA WAIVER PROGRAM EXPANSION.

Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following:

''(8) PROBATIONARY PARTICIPATION OF PROGRAM COUNTRIES.—

''(A) REQUIREMENT TO ESTABLISH.—Notwithstanding any other provision of this section and not later than 1 year after the date of the enactment of the Secure Travel and Counterterrorism Partnership Act, the Secretary of Homeland Security, in consultation with the Secretary of State, shall establish a pilot program to permit not more than 5 foreign countries that are not designated as program countries under paragraph (1) to participate in the program.

''(B) DESIGNATION AS A PROBATIONARY PROGRAM COUNTRY.—A foreign country is eligible to participate in the program under this paragraph if—

''(i) the Secretary of Homeland Security determines that such participation will not compromise the security or law enforcement interests of the United States;

''(ii) that country is close to meeting all the requirements of paragraph (2) and other requirements for designation as a program country under this section and has developed a feasible strategic plan to meet all such requirements not later than 3 years after the date the country begins participation in the program under this paragraph;

''(iii) that country meets all the requirements that the Secretary determines are appropriate to ensure the security and integrity of travel documents, including requirements to issue electronic passports that include biometric information and to promptly report lost, stolen, or fraudulent passports to the Government of the United States;

''(iv) that country cooperated with the Government of the United States on counterterrorism initiatives and information sharing before the date of the enactment of this paragraph; and

''(v) that country has entered into an agreement with the Government of the United States by which that country agrees to further advance United States security interests by implementing such additional counterterrorism cooperation and information sharing measures as may be requested by the Secretary of Homeland Security, in consultation with the Secretary of State.

''(C) CONSIDERATIONS FOR COUNTRY SELECTION.—

''(i) VISA REFUSAL RATES.—The Secretary of Homeland Security may consider the rate of refusals of nonimmigrant visitor visas for nationals of a foreign country in determining whether to permit that country to participate in the program under this paragraph but may not refuse to permit that country to participate in the program under this paragraph solely on the basis of such rate unless the Secretary determines that such rate is a security concern to the United States.

''(ii) OVERSTAY RATES.—The Secretary of Homeland Security may consider the rate at which nationals of a foreign country violate the terms of their visas by remaining in the United States after the expiration of such a visa in determining whether to permit that country to participate in the program under this paragraph.

''(D) TERM OF PARTICIPATION.—

''(i) INITIAL PROBATIONARY TERM.—A foreign country may participate in the program under this paragraph for an initial term of 3 years.

''(ii) EXTENSION OF PARTICIPATION.—The Secretary of Homeland Security, in consultation with the Secretary of State, may permit a country to participate in the program under this paragraph after the expiration of the initial term described in clause (i) for 1 additional period of not more than 2 years if that country—

''(I) has demonstrated significant progress toward meeting the requirements of paragraph (2) and all other requirements for designation as a program country under this section;

''(II) has submitted a plan for meeting the requirements of paragraph (2) and all other requirements for designation as a program country under this section; and

''(III) continues to be determined not to compromise the security or law enforcement interests of the United States.

''(iii) TERMINATION OF PARTICIPATION.—The Secretary of Homeland Security may terminate the participation of a country in the program under this paragraph at any time if the Secretary, in consultation with the Secretary of State, determines that the country—

''(I) is not in compliance with the requirements of this paragraph; or

''(II) is not able to demonstrate significant and quantifiable progress, on an annual basis, toward meeting the requirements of paragraph (2) and all other requirements for designation as a program country under this section.

''(E) TECHNICAL ASSISTANCE.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall provide technical guidance to a country that participates in the program under this paragraph to

assist that country in meeting the requirements of paragraph (2) and all other requirements for designation as a program country under this section.

''(F) REPORTING REQUIREMENTS.—

''(i) ANNUAL REPORT.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to Congress an annual report on the implementation of this paragraph.

''(ii) FINAL ASSESSMENT.—Not later than 30 days after the date that the foreign country's participation in the program under this paragraph terminates, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit a final assessment to Congress regarding the implementation of this paragraph. Such final assessment shall contain the recommendations of the Secretary of Homeland Security and the Secretary of State regarding permitting additional foreign countries to participate in the program under this paragraph.''.

SEC. 4. CALCULATION OF THE RATES OF VISA OVERSTAYS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall develop and implement procedures to improve the manner in which the rates of nonimmigrants who violate the terms of their visas by remaining in the United States after the expiration of such a visa are calculated.

SEC. 5. REPORTS.

(a) VISA FEES.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall review the fee structure for visas issued by the United States and submit to Congress a report on that structure, including any recommendations of the Comptroller General for improvements to that structure.

(b) SECURE TRAVEL STANDARDS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security, in conjunction with the Secretary of State, shall submit a report to Congress that describes plans for enhancing secure travel standards for existing visa waiver program countries, including the feasibility of instituting an electronic authorization travel system, additional passenger information exchanges, and enhanced airport security standards.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2013 to carry out this Act and the amendment made by this Act.

By Mr. OBAMA:

S. 4102. A bill to amend the Communications Act of 1934 to prohibit the use of telecommunications devices for the purposes of preventing or obstructing the broadcast or exchange of election-related information; to the Committee on Commerce, Science, and Transportation.

Mr. OBAMA. Mr. President, this year we witnessed a historic election, where the American people said loud and clear that the Nation is going in the wrong direction and things must change. One important part of that change is cleaning up our electoral process.

Dirty tricks are not a new thing in American politics. I am from Chicago, and my hometown has seen its share of political tricks. But some of tricks we have seen in recent elections astounded even those of us who thought we had seen everything.

For example, in 2002, the executive director of the New Hampshire Republican State Committee saw flyers advertising telephone numbers for Democratic get-out-the-vote efforts that offered voters rides to the polls. The executive director then hatched the idea of jamming those phone lines on election day to prevent voters from getting rides to the polls.

He consulted the New England Regional Political Director for the Republican National Committee, who led him to an associate who could handle phone jamming efforts, an outfit called GOP Marketplace. GOP Marketplace contacted an Idaho-based tele-services company that agreed to have employees place hang-up calls to the Manchester Democratic Party and the Manchester Professional Firefighters Association—the two groups offering rides—on election day, November 5, 2002.

As a result of these efforts, the New Hampshire Democratic Party's get-out-the-vote volunteers and employees answered the phones only to find callers who said nothing and immediately hung up. Legitimate voters who called the Manchester Democratic Party or the Manchester Professional Firefighters Association seeking a ride to the polls received busy signals.

The Department of Justice prosecuted many of those responsible for this dirty campaign, and some of the guilty have already served their sentences. These men were tried under existing phone harassment and civil rights laws. However, it is likely that the perpetrators of the next phone jamming effort will not be so ham-handed. General harassment laws may be insufficient to get at the next conspiracy. And even in the most recent election, we continue to hear about instances in which phone lines are misused.

That is why I am introducing the Election Jamming Prevention Act today. This bill will ensure that those who seek to disable election-related telephone communications will be criminally liable. This does not impede political speech—but this does stop nefarious efforts to shut down phone lines to cripple election-related efforts. From get-out-the-vote efforts, to voter education campaigns, qualified voters deserve to have access to information that will assist them in the exercise of their right to vote. Someone's ability to hire a company to place hang-up calls should not determine whether voters get the information they need to go to the polls on election day.

This shouldn't be a partisan issue, so I hope my colleagues on both sides of the aisle will join me in supporting this bill. 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. 4102

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 ''Election Jamming Prevention Act of 2006''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The most fundamental right accorded to United States citizens by the Constitution is the right to vote, and unimpeded exercise of the right to vote is essential to the functioning of our democracy.

(2) Historically, significant efforts have been undertaken to prevent qualified individuals from exercising this right.

(3) Poll taxes, property requirements, and literacy tests were once used to restrict voters' access to the polls. Now, efforts like deceptive practices, intimidation, and dirty tricks are used to impede qualified voters' exercise of their right to vote, to prevent voters from making informed decisions as to how to cast that vote, and to prevent candidates, parties, and organizations from engaging in constitutionally protected political speech.

(4) In recent elections, there have been allegations of political campaigns and committees using telephone jamming techniques to shut down the communication operations of groups supporting their political opponents.

(5) In November 2002, according to the Department of Justice, groups working on behalf of the Republican candidates in New Hampshire conspired to shut down Democratic get-out-the-vote efforts by placing hang-up calls to the phones of the Manchester Democratic Party and the Manchester Professional Firefighters Association, which were providing qualified voters rides to the election polling places. Several people have pled guilty or been convicted in connection with the incident.

(6) As a result of the hang-up call effort, the phone lines of the Manchester Democratic Party and the Manchester Professional Firefighters Association were jammed on election day 2002 and qualified voters were unable to access information that would have facilitated their access to polling places.

(7) The use of telephones or other communication devices to jam election-related communications should be prohibited in order to protect qualified voters' right to vote.

SEC. 3. PROHIBITION ON PREVENTING OR OBSTRUCTING THE BROADCAST OR EXCHANGE OF INFORMATION THROUGH TELECOMMUNICATIONS DEVICES.

(a) PROHIBITION.—

(1) IN GENERAL.—Subparagraph (C) of section 223(a)(1) of the Communications Act of 1934 (47 U.S.C. 223(a)(1)(C)) is amended by striking ''with the intent to annoy, abuse, threaten, or harass any person at the called number or who receives the communications;'' and inserting ''with the intent to—

''(i) annoy, abuse, threaten, or harass any person at the called number or who receives the communications;

''(ii) prevent or obstruct the broadcast or exchange of election-related information; or

''(iii) impair or obstruct any other telecommunications device from being used to engage in communications containing election-related information;''.

(2) ELECTION-RELATED INFORMATION.—Subsection (h) of section 223 of the Communications Act of 1934 (47 U.S.C. 223(h)) is amended by adding at the end the following new paragraph:

''(5) The term 'election-related information' means information related to—

''(A) the endorsement, support, promotion of, or opposition to any clearly identified candidate or slate of candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of

the House of Representatives, or Delegate or Commissioner from a territory or possession;

''(B) the time, place, or manner for the election of such offices; or

''(C) the facilitation of transport to or from polling places for any such election.''.

(b) PRIVATE RIGHT OF ACTION.—Section 223 of the Communications Act of 1934 (47 U.S.C. 223) is amended by adding at the end the following new subsection:

''(i) PRIVATE RIGHT OF ACTION FOR INJUNCTIVE OR DECLARATIVE RELIEF AGAINST CERTAIN ACTIONS.—Any person aggrieved by a violation of subsection (a)(1)(C) may bring a civil action or other proper proceeding for injunctive or declarative relief in any court of competent jurisdiction, including an application in a United States district court.''.

By Mr. SMITH:

S. 4104. A bill to amend the Internal Revenue Code of 1986 to provide credit rate parity for all renewable resources under the electricity production credit; to the Committee on Finance.

Mr. SMITH. Mr. President, today I am introducing legislation to provide for credit rate parity under section 45 of the Internal Revenue Code for electricity from eligible renewable resources produced and sold after December 31, 2006.

Currently, certain renewable resources such as wind and closed-loop biomass receive a credit of 1.5 cents per kilowatt hour produced. For other renewables, such as open-loop biomass and incremental hydropower, the amount of the credit is reduced by half.

I have been a longtime supporter of the production tax credit. There are significant wind facilities in Oregon, where we have over 335 megawatts of installed wind capacity. These facilities provide clean energy as well as important revenues to farmers and rural counties in Eastern Oregon. My bill does not reduce the credit rate for wind but, rather, increases the rate for those renewables that are currently eligible only for the reduced credit rate.

I have also heard from those industries that receive the reduced credit rate about the disadvantage this creates for them in the marketplace. Often, when bidding to provide green power, the difference in the credit rate makes the difference in being outbid. We should provide a level playing field for all eligible renewables.

I applaud and support the current efforts to extend the existing section 45 tax credits for renewables for another year. I hope that can be accomplished before we adjourn sine die. In introducing this legislation today, I want to begin the discussion that will lead to parity for all of the important new renewable technologies that can help us meet growing demands for electricity with clean, sustainable resources. As a member of the Finance Committee, this is an issue which I will pursue next Congress, and I hope that my colleagues will join me in this effort to encourage the development of renewable energy resources.

By Mr. KERRY:

S. 4107. A bill to amend the Internal Revenue Code of 1986 to replace the Hope and Lifetime Learning credits with a partially refundable college opportunity credit; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing the College Opportunity Tax Credit Act of 2006. This legislation creates a new tax credit that will put the cost of higher education in reach for American families.

An October 2006 College Board report found that this year tuition and other costs at public and private universities rose faster than inflation. And, according to the report, tuition and fees at public universities rose more in the past five years than at any other time in the past 30 years, increasing by 35 percent to $5,836 this academic year. Over the same time period, tuition and fees at private universities increased 22 percent to $22,218.

Unfortunately, neither student aid funds nor family incomes are keeping pace with increasing tuition and fees. In my travels around the country, I frequently hear from parents concerned they will not be able to pay for college for their children. These parents know that earning a college education will result in greater earnings for their children and they desperately want to ensure their kids have the greatest opportunities possible.

In 1997, we implemented two new tax credits to make college affordable—the HOPE credit and the lifetime learning credit. These tax credits were important and have helped families afford college, but I believe we can do more. This week the Senate Finance Committee held a hearing on tax incentives for higher education in which we learned that the existing tax credits are not reaching enough students, particularly lower income students who are most severely impacted by rising tuitions.

The HOPE and lifetime learning credits are not refundable, and therefore a family of four must have an income over $30,000 in order to receive the maximum credit. Almost half of families with college students fail to receive the full credit because their income is too low. In order to receive the full benefit of the lifetime learning credit, a student has to spend $10,000 a year on tuition and fees. This is nearly double the average annual public four-year college tuition and four times the average annual tuition of a community college. Over 80 percent of college students attend schools with tuition and fees under $10,000.

In 2004, I proposed a refundable tax credit to help pay for the cost of 4 years of college. Currently the HOPE Credit applies only to the first 2 years of college. The College Opportunity Tax Credit Act of 2006, COTC, helps students and parents afford all 4 years of college. It also builds on the proposal I made in 2004 by incorporating some of the suggestions made by experts, including those at this week's Finance Committee hearing. My legislation creates a new credit that replaces the existing HOPE credit and lifetime learning credit and ultimately makes these benefits more generous.

The COTC has two components. The first provides a refundable tax credit for a student enrolled in a degree program at least on a half-time basis. It would provide a 100 percent tax credit for the first $1,000 of eligible expenses and a 50 percent tax credit to the next $3,000 of expenses. The maximum credit would be $2,500 each year per student. The second provides a nonrefundable tax credit for part-time students, graduate students, and other students that do not qualify for the refundable tax credit. It provides a 40 percent credit for the first $1,000 of eligible expenses and a 20 percent credit for the next $3,000 of expenses.

Both of these credits can be used for expenses associated with tuition and fees. The same income limits that apply to the HOPE credit and the lifetime learning credit apply to the COTC: the COTC will be phased out ratably for taxpayers with income between $45,000 and $55,000—$90,000 and $110,000 for married taxpayers. These amounts are indexed for inflation, as are the eligible amounts of expenses.

The College Opportunity Tax Credit Act of 2006 simplifies the existing credits that make higher education more affordable and will enable more students to be eligible for tax relief. I understand that many of my colleagues are interested in making college more affordable. I look forward to working with my colleagues to make a refundable tax credit for college education a reality next Congress. 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. 4107

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 ''College Opportunity Tax Credit Act of 2006''.

SEC. 2. COLLEGE OPPORTUNITY TAX CREDIT.

(a) IN GENERAL.—

(1) ALLOWANCE OF CREDIT.—Section 25A(a) of the Internal Revenue Code of 1986 (relating to allowance of credit) is amended—

(A) in paragraph (1), by striking ''the Hope Scholarship Credit'' and inserting ''the eligible student credit amount determined under subsection (b)'', and

(B) in paragraph (2), by striking ''the Lifetime Learning Credit'' and inserting ''the part-time, graduate, and other student credit amount determined under subsection (c)''.

(2) NAME OF CREDIT.—The heading for section 25A of such Code is amended to read as follows:

''SEC. 25A. COLLEGE OPPORTUNITY CREDIT.''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart A of parti IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 25A and inserting the following:

''Sec. 25A. College opportunity credit.''.

(b) ELIGIBLE STUDENTS.—

(1) IN GENERAL.—Paragraph (1) of section 25A(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''the Hope Scholarship Credit'' and inserting ''the eligible student credit amount determined under this subsection'', and

(B) by striking ''PER STUDENT CREDIT'' in the heading and inserting ''IN GENERAL''.

(2) AMOUNT OF CREDIT.—Paragraph (4) of section 25A(b) of such Code (relating to applicable limit) is amended by striking ''2'' and inserting ''3''.

(3) CREDIT REFUNDABLE.—

(A) IN GENERAL.—Section 25A of such Code is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

''(i) PORTION OF CREDIT REFUNDABLE.—

''(1) IN GENERAL.—The aggregate credits allowed under subpart C shall be increased by the amount of the credit which would be allowed under this section—

''(A) by reason of subsection (b), and

''(B) without regard to this subsection and the limitation under section 26(a) or subsection (j), as the case may be.

''(2) TREATMENT OF CREDIT.—The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of credit otherwise allowable under subsection (a) without regard to section 26(a) or subsection (j), as the case may be.''.

(B) TECHNICAL AMENDMENT.—Section 1324(b) of title 31, United States Code, is amended by inserting '', or enacted by the College Opportunity Tax Credit Act of 2006'' before the period at the end.

(4) LIMITATIONS.—

(A) CREDIT ALLOWED FOR 4 YEARS.—Subparagraph (A) of section 25A(b)(2) of such Code is amended—

(i) by striking ''2'' in the text and in the heading and inserting ''4'', and

(ii) by striking ''the Hope Scholarship Credit'' and inserting ''the credit allowable''.

(B) ELIMINATION OF LIMITATION ON FIRST 2 YEARS OF POSTSECONDARY EDUCATION.—Section 25A(b)(2) of such Code is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(5) CONFORMING AMENDMENTS.—

(A) The heading of subsection (b) of section 25A of such Code is amended to read as follows:

''(b) ELIGIBLE STUDENTS.—''.

(B) Section 25A(b)(2) of such Code is amended—

(i) in subparagraph (B), by striking ''the Hope Scholarship Credit'' and inserting ''the credit allowable'', and

(ii) in subparagraph (C), as redesignated by paragraph (4)(B), by striking ''the Hope Scholarship Credit'' and inserting ''the credit allowable''.

(c) PART-TIME, GRADUATE, AND OTHER STUDENTS.—

(1) IN GENERAL.—Subsection (c) of section 25A of the Internal Revenue Code of 1986 is amended to read as follows:

''(c) PART-TIME, GRADUATE, AND OTHER STUDENTS.—

''(1) IN GENERAL.—In the case of any student for whom an election is in effect under this section for any taxable year, the part-time, graduate, and other student credit amount determined under this subsection for any taxable year is an amount equal to the sum of—

''(A) 40 percent of so much of the qualified tuition and related expenses paid by the taxpayer during the taxable year (for education furnished to the student during any academic period beginning in such taxable year) as does not exceed $1,000, plus

''(B) 20 percent of such expenses so paid as exceeds $1,000 but does not exceed the applicable limit.

''(2) APPLICABLE LIMIT.—For purposes of paragraph (1)(B), the applicable limit for any taxable year is an amount equal to 3 times the dollar amount in effect under paragraph (1)(A) for such taxable year.

''(3) SPECIAL RULES FOR DETERMINING EXPENSES.—

''(A) COORDINATION WITH CREDIT FOR ELIGIBLE STUDENTS.—The qualified tuition and related expenses with respect to a student who is an eligible student for whom a credit is allowed under subsection (a)(1) for the taxable year shall not be taken into account under this subsection.

''(B) EXPENSES FOR JOB SKILLS COURSES ALLOWED.—For purposes of paragraph (1), qualified tuition and related expenses shall include expenses described in subsection (f)(1) with respect to any course of instruction at an eligible educational institution to acquire or improve job skills of the student.''.

(2) INFLATION ADJUSTMENT.—

(A) IN GENERAL.—Subsection (h) of section 25A of such Code (relating to inflation adjustments) is amended by adding at the end the following new paragraph:

''(3) DOLLAR LIMITATION ON AMOUNT OF CREDIT UNDER SUBSECTION (a)(2).—

''(A) IN GENERAL.—In the case of a taxable year beginning after 2007, each of the $1,000 amounts under subsection (c)(1) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $100, such amount shall be rounded to the next lowest multiple of $100.''.

(B) CONFORMING AMENDMENT.—The heading for paragraph (1) of section 25A(h) of such code is amended by inserting ''UNDER SUBSECTION (a)(1)'' after ''CREDIT''.

(d) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 25A of the Internal Revenue Code of 1986, as amended by subsection (b)(3), is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (h) the following new subsection:

''(j) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(2) the sum of the credits allowed under this subpart (other than this section and sections 23, 24, and 25B) and section 27 for the taxable year.''.

(2) CONFORMING AMENDMENT.—Section 25(a)(1) of such Code is amended by inserting ''25A,'' after ''24,''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

By Mr. LAUTENBERG:

S. 4109. A bill to amend title 49, United States Code, to prohibit the operation of certain aircraft not complying with stage 3 noise levels; to the Committee on Commerce, Science, and Transportation.

Mr. President, I rise today to introduce a bill which would greatly improve the quality of life for many residents of New Jersey, and people across America, by reducing aircraft noise. The Aircraft Noise Reduction Act of 2006 would greatly reduce unnecessary levels of noise pollution by phasing out usage of the loudest aircraft still operating.

I have long had a strong interest in this issue; indeed, I first introduced legislation calling for the phase-out of older, noisier aircraft in 1990, and since then, significant progress has been made. As we face an influx of many new aircraft to our system—some 5,000 new very light jets, VLJs, are expected to enter the U.S. aviation market and our airspace in the next decade—now is the time to rid our skies of the older, noisier planes.

For purposes of rating aircraft noise levels, aircraft have to meet U.S. Environmental Protection Agency noise standards classified as ''stages'': stage 1 and stage 2 noise levels are the loudest, while stage 3 and stage 4 (standards adopted just last year are the quietest. Commercial stage 1 aircraft were phased out by 1985, and Congress mandated the retirement of commercial stage 2 aircraft by 2000. However, these regulations only applied to aircraft weighing more than 75,000 pounds; this means that there are still many loud business jets still in service. The legislation I am introducing today would finally bring closure to this issue by phasing out the use of all remaining stage 1 and stage 2 aircraft in the United States.

The benefits of this total phase-out will be abundant. On average, older, noisier stage 2 aircraft are twice as loud as newer, quieter, stage 3 planes. Unfortunately, at Teterboro Airport in my home State of New Jersey, one of the largest general aviation airports in the country, loud stage 2 planes have been common until recently. This contributed greatly to the noise pollution problems experienced in New Jersey communities, and hurt property values for many citizens. It's precisely why it is critically important to work toward a fleet devoid of stage 1 and stage 2 aircraft.

This issue has particular resonance in New Jersey, because Teterboro Airport and Morristown Airport, among others, are located in densely populated areas. Stage 1 and 2 aircraft flying into these airports constitute an unnecessary daily nuisance for, literally, hundreds of thousands of my constituents, and I believe it is time to take decisive action to correct the problem. Voluntarily banning these aircraft from one airport will only force them to use another local airport, so I believe that a nationwide ban is necessary.

Furthermore, Mr. President, this bill would not only help decrease aircraft noise; it will also promote energy conservation. On average, stage 2 aircraft use 30 percent more fuel than otherwise comparable stage 3 jets, and passage of this bill would eliminate usage of many of the most fuel-inefficient aircraft still operational in America.

My bill takes an approach which is sensitive to the economic hardship of communities who want to allow these

aircraft to continue in use. Individual airports would still be allowed to opt-out of this measure by choosing to accommodate these noisier business jets. Also, the act would not take effect until fully 3 years after enactment, allowing ample time for businesses to adapt to the new regulations.

Mr. President, I believe that this bill represents a significant step forward in the ongoing efforts to control aircraft noise, and I urge my colleagues to support the legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

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

S. 4109

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 ''Aircraft Noise Reduction Act of 2006''.

SEC. 2. OPERATION OF AIRCRAFT NOT MEETING STAGE 3 NOISE LEVELS.

(a) IN GENERAL.—Subchapter II of chapter 475 of title 49, United States Code, is amended by adding at the end the following:

''§ 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels

''(a) PROHIBITION.—Except as provided in subsection (b), (c), or (d), a person may not operate a civil subsonic turbojet with a maximum weight of 75,000 pounds or less to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

''(b) EXCEPTION.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

''(c) OPT-OUT.—Subsection (a) shall not apply at an airport where the airport operator has notified the Secretary that it wants to continue to permit the operation of civil subsonic turbojets with a maximum weight of 75,000 pounds or less that do not comply with stage 3 noise levels. The Secretary shall post the notices received under this subsection on its website or in another place easily accessible to the public.

''(d) LIMITATION.—The Secretary shall permit a person to operate Stage 1 and Stage 2 aircraft with a maximum weight of 75,000 pounds or less to or from an airport in the contiguous 48 States in order—

''(1) to sell, lease, or use the aircraft outside the 48 contiguous States;

''(2) to scrap the aircraft;

''(3) to obtain modifications to the aircraft to meet stage 3 noise levels;

''(4) to perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 states;

''(5) to deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

''(6) to prepare or park or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5); or

''(7) to divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel air traffic control or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (6).

''(e) STATUTORY CONSTRUCTION.—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of the Aircraft Noise Reduction Act of 2006.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 47531 of title 49, United States Code, is amended by striking ''47529, or 47530'' and inserting ''47529, 47530, or 47534''.

(2) Section 47532 of title 49, United States Code, is amended by striking ''47528-47531'' and inserting ''47528 through 47531 or 47534''.

(3) The chapter analysis for chapter 475 of title 49, United States Code, is amended by inserting after the item relating to section 47533 the following:

''47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 3 years after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 626 RELATING TO THE RETIREMENT OF LINDA E. SEBOLD

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 626

Whereas Linda E. Sebold has faithfully served the United States Senate for more than 33 years;

Whereas Linda began her service to the Senate as an assistant in the Disbursing Office in 1973;

Whereas Linda became the Committee Scheduling Coordinator for the Daily Digest in 1978 and was promoted to Editor of the Daily Digest in 1999;

Whereas Linda has been a leader in implementing technological advances in the preparation of the Daily Digest;

Whereas Linda has made a significant contribution to continuity of government planning;

Whereas, during her 33½ year tenure, she has at all times discharged the difficult duties and responsibilities of her office with extraordinary efficiency, aplomb, and devotion;

Whereas Linda's service to the Senate has been marked by her personal commitment to the highest standards of excellence; and

Whereas Linda is retiring after more than 33 years service to the United States Senate; Now, therefore, be it

Resolved, That Linda E. Sebold be and hereby is commended for her outstanding service to her country and to the United States Senate.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Linda E. Sebold.

SENATE RESOLUTION 627—COMMEMORATING THE ONE-YEAR ANNIVERSARY OF THE NOVEMBER 9, 2005, TERRORIST ATTACKS IN AMMAN, JORDAN

Mr. LUGAR (for himself, Mr. BIDEN, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 627

Whereas on November 9, 2005, a series of terrorist bombs exploded at the Radisson, Hyatt, and Days Inn hotels in Amman, Jordan, resulting in the deaths of scores of civilians and the injuries of hundreds of others;

Whereas Jordan has been targeted in several terrorist attacks over the past few years and likely remains a target for Islamic extremists;

Whereas Jordan provided unequivocal support to the United States after the September 11, 2001, terrorist attacks;

Whereas Jordan has arrested suspected terrorists with possible ties to Osama bin Laden's Al Qaeda organization and has provided other critical support to the global war on terrorism; and

Whereas Jordan remains a firm ally of the United States in the global war against terrorism and in helping to achieve a lasting peace in the Middle East: Now, therefore, be it

Resolved, That the Senate—

(1) notes with sorrow the one-year anniversary of the November 9, 2005, terrorist attacks in Amman, Jordan;

(2) condemns in the strongest possible terms the November 9, 2005, terrorist attacks;

(3) expresses its ongoing condolences to the families and friends of those individuals who were killed in the attacks and its sympathies to those individuals who were injured;

(4) reiterates its support of the Jordanian people and their government;

(5) values the strong and lasting friendship between Jordan and the United States and the continuing cooperation of the two nations in political, economic, and humanitarian endeavors; and

(6) expresses its readiness to support and assist the Jordanian authorities in their efforts to pursue, disrupt, undermine, and dismantle the networks that plan and carry out such terrorist attacks as the November 9, 2005, terrorist attacks in Amman, Jordan.

Mr. LUGAR. Mr. President, I rise today to introduce S. Res. 627 commemorating the 1-year anniversary of the November 9, 2005, terrorist attacks in Amman, Jordan and reaffirming the support of the United States for the Hashemite Kingdom of Jordan as an important ally in combating terrorism in the region.

The Hashemite Kingdom of Jordan has been a steadfast friend and ally of the United States in the war against terrorism. Sadly, on November 9, 2005, Jordan itself became a victim of terrorism. Terrorists attacked western hotels in its capital city, Amman, killing and injuring scores of people.

This bill condemns the terrorist attacks that took place on November 9 and reaffirms the support of the U.S. Government for the Jordanian people and their government.

SENATE RESOLUTION 628—SUPPORTING THE 200TH ANNIVERSARY OF THE NATION'S NAUTICAL CHARTING AND RELATED SCIENTIFIC PROGRAMS, WHICH FORMED THE BASIS FOR WHAT IS TODAY THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. STEVENS (for himself, Mr. INOUYE, Ms. SNOWE, Ms. LANDRIEU, Mr. GREGG, Mr. LOTT, Mr. REED, Ms. CANTWELL, Mr. VITTER, Mr. SALAZAR, Mr.

AKAKA, Mr. WYDEN, Mr. SMITH, Ms. MURKOWSKI, and Mr. COCHRAN) submitted the following resolution; which was considered and agreed to:

S. RES. 628

Whereas the Act of February 10, 1807 (chapter VIII; 2 Stat. 4113), signed by President Thomas Jefferson, authorized and requested the President ''to cause a survey be taken of the coast of the United States...together with such other matters as he may deem proper for completing an accurate chart of every part of the coasts'';

Whereas the Coast Survey was established to carry out the duties established under such Act, and was the first Federal science agency of the United States;

Whereas over time additional duties, including geodetic surveying and tide and current monitoring and predictions, were bestowed upon the agency, which was first known as the U.S. Coast Survey and later the U.S. Coast and Geodetic Survey;

Whereas, in addition to providing charts and information vital to the young nation's economic and commercial success, such pioneering agency led some of the nation's earliest oceanographic research, undertaking surveys of the Gulf Stream to determine temperatures, depths, direction, and velocity as well as the character of the seafloor and forms of vegetation and marine life;

Whereas the early technicians and scientists of such agency invented and supported the development of many innovative tools that led to advances in hydrographic, shoreline, and geodetic surveying and cartographic methods, the first real-time water level stations, and deep-sea anchoring;

Whereas during the 20th century such agency, by then re-named the Coast and Geodetic Survey, advanced the development and marine applications of electronics and acoustics, including the development of Radar Acoustic Ranging, radio sono-buoys and the Roberts Radio Current Meter Buoy;

Whereas throughout their history these programs have provided services in support of the Nation's commerce and defense serving in all theaters of the Civil War and in World Wars I and II as hydrographers, cartographers, topographers, and scouts, including the production of more than 100 million maps and charts for U.S. and Allied forces;

Whereas our Nation's interests and economy became increasingly interwoven with the marine and atmospheric environment, a number of Federal science agencies with complimentary functions, including the Weather Bureau and the Bureau of Commercial Fisheries, were combined with such agency to create the National Oceanic and Atmospheric Administration (NOAA);

Whereas today these mapping and charting, geodesy, and tide and current data programs are located in the National Ocean Service of NOAA, in the Coast Survey, the National Geodetic Survey, and the Center for Operational Oceanographic Products and Services;

Whereas these programs promote NOAA's commerce and transportation goals and continue to support the research, development and application of state-of-the-art surveying, mapping, charting, ocean observing, modeling, and Internet-based product delivery services to promote safe and efficient commerce and transportation and contributing to the advancement of integrated ocean and earth observing systems;

Whereas, these programs continue to demonstrate relevance, value, importance, and service promoting and employing innovative partnerships with other agencies, State and local authorities, academia, and the private sector;

Whereas, these programs work internationally as the United States representative to the International Hydrographic Organization and through other organizations to promote integrated and uniform standards, protocols, formats, and services;

Whereas in addition to commerce and transportation these programs also advance NOAA's weather and water, climate, and ecosystem missions including marine resource conservation, coastal management, and the protection of life and property from coastal storms and other hazards, as most recently demonstrated in responding to and facilitating the recovery of communities and commerce in the hurricane stricken Gulf Coast;

Whereas the devotion, industry, efficiency, and enterprise of these people and programs over their 200-year history have set an enviable record of public service: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that for over 200 years, the National Oceanic and Atmospheric Administration and its predecessor agencies have been providing the Nation research, service, and stewardship of the marine environment, through products and services that protect lives and property, strengthen the economy, and support and sustain our coastal and marine resources;

(2) recognizes the vision of President Thomas Jefferson in supporting the advancement of science, and the survey of the coast in particular, to the welfare and commercial success of the Nation;

(3) recognizes the contributions made over the past 200 years by the past and current employees and officers of the Office of Coast Survey, the National Geodetic Survey, and the Center for Operational Oceanographic Products and Services of the National Oceanic and Atmospheric Administration; and

(4) encourages the people of the United States to salute and share in the planned celebrations of these historic programs during 2007 with ceremonies designed to give appropriate recognition to one of our oldest and most respected Federal agencies on the occasion of its bicentennial anniversary.

SENATE RESOLUTION 629—ESTABLISHING A PROCEDURE FOR AFFIXING AND REMOVING PERMANENT ARTWORK AND SEMI-PERMANENT ARTWORK IN THE SENATE WING OF THE CAPITOL AND IN THE SENATE OFFICE BUILDINGS

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 629

Resolved,

SECTION 1. STANDARDS FOR PERMANENT ARTWORK AND SEMI-PERMANENT ARTWORK.

No permanent artwork or semi-permanent artwork may be affixed to or removed from the walls, floors, or ceilings of the public spaces and committee rooms of the Senate wing of the Capitol and the Senate office buildings unless—

(1) the Senate Commission on Art—

(A) has recommended the affixation or removal; and

(B) in the case of an affixation of permanent artwork or semi-permanent artwork—

(i) has recommended an appropriate location for the affixation; and

(ii) has determined that—

(I) not less than 25 years have passed since the death of any subject in a portrait included in the permanent artwork or semi-permanent artwork; and

(II) not less than 25 years have passed since the commemorative event that is to be portrayed in the permanent artwork or semi-permanent artwork; and

(2) the Senate has passed a Senate resolution approving the recommendation of the Senate Commission on Art.

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that prior to making a recommendation to affix any permanent artwork or semi-permanent artwork to the walls, floors, or ceilings of the public spaces and committee rooms of the Senate wing of the Capitol and the Senate office buildings, the Senate Commission on Art should consider, at a minimum, the following:

(1) The significance of the original, intended, or existing permanent artwork or semi-permanent artwork in the installation space proposed for the additional permanent artwork or semi-permanent artwork.

(2) The existing conditions of the surface of the proposed installation space.

(3) The last time fixed art was added to the proposed installation space.

(4) The amount of area available for the installation of permanent artwork or semi-permanent artwork in the proposed installation space.

(5) The opinion of the Curatorial Advisory Board on such affixation.

SEC. 3. CREATION OF ARTWORK.

If a request to affix permanent artwork or semi-permanent artwork to the walls, floors, or ceilings of the public spaces and committee rooms of the Senate wing of the Capitol and the Senate office buildings meets the requirements of section 1, the Senate Commission on Art shall select the artist and shall supervise and direct the creation of the artwork and the application of the artwork to the selected surface.

SEC. 4. DEFINITIONS.

In this resolution—

(1) PERMANENT ARTWORK.—The term ''permanent artwork'' means artwork that when applied directly to a wall, ceiling, or floor has become part of the fabric of the building, based on a consideration of relevant factors including—

(A) the original intent when the artwork was applied;

(B) the method of application;

(C) the adaptation or essentialness of the artwork to the building; and

(D) whether the removal of the artwork would cause damage to either the artwork or the surface that contains it.

(2) SEMI-PERMANENT ARTWORK.—The term ''semi-permanent artwork'' means artwork that when applied directly to the surface of a wall, ceiling, or floor can be removed without damaging the artwork or the surface to which the artwork is applied.

SENATE CONCURRENT RESOLUTION 123—PROVIDING FOR CORRECTION TO THE ENROLLMENT OF THE BILL H.R. 5946

Mr. STEVENS submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES 123

Resolved by the Senate (the House of Representatives concurring) That, in the enrollment of the bill H.R. 5946, the Clerk of the House shall make the following corrections:

(1) In the table of contents, strike the item relating to section 702 and redesignate the item relating to section 703 as relating to section 702.

(2) In title VII, strike section 702 and redesignate section 703 as section 702.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5224. Mr. STEVENS proposed an amendment to the bill H.R. 5946, to authorize activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and for other purposes.

SA 5225. Mr. MCCONNELL (for Mr. FRIST) proposed an amendment to the bill H.R. 6111, 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.

SA 5226. Mr. DEWINE (for Mr. DOMENICI) proposed an amendment to the bill S. 1529, to provide for the conveyance of certain Federal land in the city of Yuma, Arizona.

SA 5227. Mr. DEWINE (for Mr. DOMENICI) proposed an amendment to the bill S. 1548, to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska.

SA 5228. Mr. DEWINE (for Mr. DOMENICI) proposed an amendment to the bill S. 2054, to direct the Secretary of the Interior to conduct a study of water resources in the State of Vermont.

SA 5229. Mr. DEWINE (for Mr. DOMENICI) proposed an amendment to the bill S. 2205, to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes.

SA 5230. Mr. WYDEN (for himself, Ms. CANTWELL, Mr. SMITH, Mrs. MURRAY, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 6111, 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; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5224. Mr. STEVENS proposed an amendment to the bill H.R. 5946, to authorize activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of Magnuson-Stevens Fishery Conservation and Management Act.
Sec. 3. Changes in findings and definitions.
Sec. 4. Highly migratory species.
Sec. 5. Total allowable level of foreign fishing.
Sec. 6. Sestern Pacific Sustainable Fisheries Fund.
Sec. 7. Authorization of appropriations.

TITLE I—CONSERVATION AND MANAGEMENT

Sec. 101. Cumulative impacts.
Sec. 102. Caribbean Council jurisdiction.
Sec. 103. Regional fishery management councils.
Sec. 104. Fishery management plan requirements.
Sec. 105. Fishery management plan discretionary provisions.
Sec. 106. Limited access privilege programs.
Sec. 107. Environmental review process.
Sec. 108. Emergency regulations.
Sec. 109. Western Pacific and North Pacific community development.
Sec. 110. Secretarial action on State groundfish fishing.
Sec. 111. Joint enforcement agreements.
Sec. 112. Transition to sustainable fisheries.
Sec. 113. Regional coastal disaster assistance, transition, and recovery program.
Sec. 114. Fishery finance program hurricane assistance.
Sec. 115. Fisheries hurricane assistance program.
Sec. 116. Bycatch reduction engineering program.
Sec. 117. Community-based restoration program for fishery and coastal habitats.
Sec. 118. Prohibited acts.
Sec. 119. Shark feeding.
Sec. 120. Clarification of flexibility.
Sec. 121. Southeast Alaska fisheries communities capacity reduction.
Sec. 122. Conversion to catcher/processor shares.

TITLE II—INFORMATION AND RESEARCH

Sec. 201. Recreational fisheries information.
Sec. 202. Collection of information.
Sec. 203. Access to certain information.
Sec. 204. Cooperative research and management program.
Sec. 205. Herring study.
Sec. 206. Restoration study.
Sec. 207. Western Pacific fishery demonstration projects.
Sec. 208. Fisheries conservation and management fund.
Sec. 209. Use of fishery finance program for sustainable purposes.
Sec. 210. Regional ecosystem research.
Sec. 211. Deep sea coral research and technology program.
Sec. 212. Impact of turtle excluder devices on shrimping.
Sec. 213. Hurricane effects on commercial and recreational fishery habitats.
Sec. 214. North Pacific Fisheries Convention.
Sec. 215. New England groundfish fishery.
Sec. 216. Report on council management coordination.
Sec. 217. Study of shortage in the number of individuals with post- baccalaureate degrees in subjects related to fishery science.
Sec. 218. Gulf of Alaska Rockfish demonstration program.

TITLE III—OTHER FISHERIES STATUTES

Sec. 301. Amendments to Northern Pacific Halibut Act.
Sec. 302. Reauthorization of other fisheries Acts.

TITLE IV—INTERNATIONAL

Sec. 401. International monitoring and compliance.
Sec. 402. Finding with respect to illegal, unreported, and unregulated fishing.
Sec. 403. Action to end illegal, unreported, or unregulated fishing and reduce bycatch of protected marine species.
Sec. 404. Monitoring of Pacific insular area fisheries.
Sec. 405. Reauthorization of Atlantic Tunas Convention Act.
Sec. 406. International overfishing and domestic equity.
Sec. 407. United States catch history.
Sec. 408. Secretarial representative for international fisheries.

TITLE V—IMPLEMENTATION OF WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION

Sec. 501. Short title.
Sec. 502. Definitions.
Sec. 503. Appointment of United States commissioners.
Sec. 504. Authority and responsibility of the Secretary of State.
Sec. 505. Rulemaking authority of the Secretary of Commerce.
Sec. 506. Enforcement.
Sec. 507. Prohibited acts.
Sec. 508. Cooperation in carrying out convention.
Sec. 509. Territorial participation.
Sec. 510. Exclusive economic zone notification.
Sec. 511. Authorization of appropriations.

TITLE VI—PACIFIC WHITING

Sec. 601. Short title.
Sec. 602. Definitions.
Sec. 603. United States representation on joint management committee.
Sec. 604. United States representation on the scientific review group.
Sec. 605. United States representation on joint technical committee.
Sec. 606. United States representation on advisory panel.
Sec. 607. Responsibilities of the secretary.
Sec. 608. Rulemaking.
Sec. 609. Administrative matters.
Sec. 610. Enforcement.
Sec. 611. Authorization of appropriations.

TITLE VII—MISCELLANEOUS

Sec. 701. Study of the acidification of the oceans and effect on fisheries.
Sec. 702. Rule of construction.
Sec. 703. Puget Sound regional shellfish settlement.

TITLE VIII—TSUNAMI WARNING AND EDUCATION

Sec. 801. Short title.
Sec. 802. Definitions.
Sec. 803. Purposes.
Sec. 804. Tsunami forecasting and warning program.
Sec. 805. National tsunami hazard mitigation program.
Sec. 806. Tsunami research program.
Sec. 807. Authorization of appropriations.

TITLE IX—POLAR BEARS

Sec. 901. Short title.
Sec. 902. Amendment of Marine Mammal Protection Act of 1972.

SEC. 2. AMENDMENT OF MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.

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 Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 3. CHANGES IN FINDINGS AND DEFINITIONS.

(a) ECOSYSTEMS.—Section 2(a) (16 U.S.C. 1801(a)) is amended by adding at the end the following:

''(11) A number of the Fishery Management Councils have demonstrated significant progress in integrating ecosystem considerations in fisheries management using the existing authorities provided under this Act.''.

(b) IN GENERAL.—Section 3 (16 U.S.C. 1802) is amended—

(1) by inserting after paragraph (13) the following:

''(13A) The term 'regional fishery association' means an association formed for the mutual benefit of members—

''(A) to meet social and economic needs in a region or subregion; and

''(B) comprised of persons engaging in the harvest or processing of fishery resources in that specific region or subregion or who otherwise own or operate businesses substantially dependent upon a fishery.'';

(2) by inserting after paragraph (20) the following:

''(20A) The term 'import'—

''(A) means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States; but

''(B) does not include any activity described in subparagraph (A) with respect to fish caught in the exclusive economic zone or by a vessel of the United States.'';

(3) by inserting after paragraph (23) the following:

''(23A) The term 'limited access privilege'—

''(A) means a Federal permit, issued as part of a limited access system under section 303A to harvest a quantity of fish expressed by a unit or units representing a portion of the total allowable catch of the fishery that may be received or held for exclusive use by a person; and

''(B) includes an individual fishing quota; but

''(C) does not include community development quotas as described in section 305(i).

''(23B) The term 'limited access system' means a system that limits participation in a fishery to those satisfying certain eligibility criteria or requirements contained in a fishery management plan or associated regulation.''; and

(4) by inserting after paragraph (27) the following:

''(27A) The term 'observer information' means any information collected, observed, retrieved, or created by an observer or electronic monitoring system pursuant to authorization by the Secretary, or collected as part of a cooperative research initiative, including fish harvest or processing observations, fish sampling or weighing data, vessel logbook data, vessel or processor-specific information (including any safety, location, or operating condition observations), and video, audio, photographic, or written documents.''.

(c) REDESIGNATION.—Paragraphs (1) through (45) of section 3 (16 U.S.C. 1802), as amended by subsection (a), are redesignated as paragraphs (1) thorough (50), respectively.

(d) CONFORMING AMENDMENTS.—

(1) The following provisions of the Act are amended by striking ''an individual fishing quota'' and inserting ''a limited access privilege'':

(A) Section 402(b)(1)(D) (16 U.S.C. 1881a(b)(1)(D)).

(B) Section 407(a)(1)(D) and (c)(1) (16 U.S.C. 1883(a)(1)(D); (c)(1)).

(2) The following provisions of the Act are amended by striking ''individual fishing quota'' and inserting ''limited access privilege'':

(A) Section 304(c)(3) (16 U.S.C. 1854(c)(3)).

(B) Section 304(d)(2)(A)(i) (16 U.S.C. 1854(d)(2)(A)(i)).

(3) Section 305(h)(1) (16 U.S.C. 1855(h)(1)) is amended by striking ''individual fishing quotas,'' and inserting ''limited access privileges,''.

SEC. 4. HIGHLY MIGRATORY SPECIES.

Section 102 (16 U.S.C. 1812) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The''; and

(2) by adding at the end the following:

''(b) TRADITIONAL PARTICIPATION.—In managing any fisheries under an international fisheries agreement to which the United States is a party, the appropriate Council or Secretary shall take into account the traditional participation in the fishery, relative to other nations, by fishermen of the United States on fishing vessels of the United States.

''(c) PROMOTION OF STOCK MANAGEMENT.—If a relevant international fisheries organization does not have a process for developing a formal plan to rebuild a depleted stock, an overfished stock, or a stock that is approaching a condition of being overfished, the provisions of this Act in this regard shall be communicated to and promoted by the United States in the international or regional fisheries organization.''.

SEC. 5. TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING.

Section 201(d) (16 U.S.C. 1821(d)) is amended—

(1) by striking ''shall be'' and inserting ''is'';

(2) by striking ''will not'' and inserting ''cannot, or will not,''; and

(3) by inserting after ''Act.'' the following: ''Allocations of the total allowable level of foreign fishing are discretionary, except that the total allowable level shall be zero for fisheries determined by the Secretary to have adequate or excess domestic harvest capacity.''.

SEC. 6. WESTERN PACIFIC SUSTAINABLE FISHERIES FUND.

Section 204(e) (16 U.S.C. 1824(e)(7)) is amended—

(1) by inserting ''and any funds or contributions received in support of conservation and management objectives under a marine conservation plan'' after ''agreement'' in paragraph (7); and

(2) by inserting after ''paragraph (4).'' in paragraph (8) the following: ''In the case of violations by foreign vessels occurring within the exclusive economic zones off Midway Atoll, Johnston Atoll, Kingman Reef, Palmyra Atoll, Jarvis, Howland, Baker, and Wake Islands, amounts received by the Secretary attributable to fines and penalties imposed under this Act, shall be deposited into the Western Pacific Sustainable Fisheries Fund established under paragraph (7) of this subsection.''.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 4 (16 U.S.C. 1803) is amended to read as follows:

''SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Secretary to carry out the provisions of this Act—

''(1) $337,844,000 for fiscal year 2007;

''(2) $347,684,000 for fiscal year 2008;

''(3) $357,524,000 for fiscal year 2009;

''(4) $367,364,000 for fiscal year 2010;

''(5) $377,204,000 for fiscal year 2011;

''(6) $387,044,000 for fiscal year 2012; and

''(7) $396,875,000 for fiscal year 2013.''.

TITLE I—CONSERVATION AND MANAGEMENT

SEC. 101. CUMULATIVE IMPACTS.

(a) NATIONAL STANDARDS.—Section 301(a)(8) (16 U.S.C. 1851(a)(8)) is amended by inserting ''by utilizing economic and social data that meet the requirements of paragraph (2),'' after ''fishing communities''.

(b) CONTENTS OF PLANS.—Section 303(a)(9) (16 U.S.C. 1853(a)(9)) is amended by striking ''describe the likely effects, if any, of the conservation and management measures on—'' and inserting ''analyze the likely effects, if any, including the cumulative conservation, economic, and social impacts, of the conservation and management measures on, and possible mitigation measures for—''.

SEC. 102. CARIBBEAN COUNCIL JURISDICTION.

Section 302(a)(1)(D) (16 U.S.C. 1852(a)(1)(D)) is amended by inserting ''and of commonwealths, territories, and possessions of the United States in the Caribbean Sea'' after ''seaward of such States''.

SEC. 103. REGIONAL FISHERY MANAGEMENT COUNCILS.

(a) TRIBAL ALTERNATE ON PACIFIC COUNCIL.—Section 302(b)(5) (16 U.S.C. 1852(b)(5)) is amended by adding at the end thereof the following:

''(D) The tribal representative appointed under subparagraph (A) may designate as an alternate, during the period of the representative's term, an individual knowledgeable concerning tribal rights, tribal law, and the fishery resources of the geographical area concerned.''.

(b) SCIENTIFIC AND STATISTICAL COMMITTEES.—Section 302(g) (16 U.S.C. 1852(g)) is amended—

(1) by striking so much of subsection (g) as precedes paragraph (2) and inserting the following:

''(g) COMMITTEES AND ADVISORY PANELS.—

''(1)(A) Each Council shall establish, maintain, and appoint the members of a scientific and statistical committee to assist it in the development, collection, evaluation, and peer review of such statistical, biological, economic, social, and other scientific information as is relevant to such Council's development and amendment of any fishery management plan.

''(B) Each scientific and statistical committee shall provide its Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch, preventing overfishing, maximum sustainable yield, and achieving rebuilding targets, and reports on stock status and health, bycatch, habitat status, social and economic impacts of management measures, and sustainability of fishing practices.

''(C) Members appointed by the Councils to the scientific and statistical committees shall be Federal employees, State employees, academicians, or independent experts and shall have strong scientific or technical credentials and experience.

''(D) Each member of a scientific and statistical committee shall be treated as an affected individual for purposes of paragraphs (2), (3)(B), (4), and (5)(A) of subsection (j). The Secretary shall keep disclosures made pursuant to this subparagraph on file.

''(E) The Secretary and each Council may establish a peer review process for that Council for scientific information used to advise the Council about the conservation and management of the fishery. The review process, which may include existing committees or panels, is deemed to satisfy the requirements of the guidelines issued pursuant to section 515 of the Treasury and General Government Appropriations Act for Fiscal year 2001 (Public Law 106–554—Appendix C; 114 Stat. 2763A–153).

''(F) In addition to the provisions of section 302(f)(7), the Secretary shall, subject to the availability of appropriations, pay a stipend to members of the scientific and statistical committees or advisory panels who are not employed by the Federal government or a State marine fisheries agency.

''(G) A science and statistical committee shall hold its meetings in conjunction with the meeting of the Council, to the extent practicable.''.

(2) by striking ''other'' in paragraph (2); and

(3) by resetting the left margin of paragraphs (2) through (5) 2 ems from the left.

(c) COUNCIL FUNCTIONS.—Section 302(h) (16 U.S.C. 1852(h)) is amended—

(1) by striking ''authority, and'' in paragraph (5) and inserting ''authority;'';

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following:

''(6) develop annual catch limits for each of its managed fisheries that may not exceed the fishing level recommendations of its scientific and statistical committee or the peer review process established under subsection (g); and''.

(d) SCIENTIFIC RESEARCH PRIORITIES.—Section 302(h) (16 U.S.C. 1852(h)), as amended by subsection (c), is further amended—

(1) by striking ''(g); and'' in paragraph (6) and inserting ''(g);'';

(2) by redesignating paragraph (7), as redesignated by subsection (c)(2), as paragraph (8);

(2) by inserting after paragraph (6) the following:

''(7) develop, in conjunction with the scientific and statistical committee, multi-year research priorities for fisheries, fisheries interactions, habitats, and other areas of research that are necessary for management purposes, that shall—

''(A) establish priorities for 5-year periods;

''(B) be updated as necessary; and

''(C) be submitted to the Secretary and the regional science centers of the National Marine Fisheries Service for their consideration in developing research priorities and budgets for the region of the Council; and''.

(e) REGULAR AND EMERGENCY MEETINGS.—Section 302(i)(2)(C) (16 U.S.C. 1852(i)(2)(C)) is amended by striking ''published in local newspapers in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery) and such notice may be given by such other means as will result in wide publicity.'' and inserting ''provided by any means that will result in wide publicity in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery), except that e-mail notification and website postings alone are not sufficient.''.

(f) CLOSED MEETINGS.—Section 302(i)(3)(B) (16 U.S.C. 1852(i)(3)(B)) is amended by striking ''notify local newspapers in the major fishing ports within its region (and in other major, affected fishing ports,'' and inserting ''provide notice by any means that will result in wide publicity in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery), except that e-mail notification and website postings alone are not sufficient,''.

(g) TRAINING.—Section 302 (16 U.S.C. 1852) is amended by adding at the end the following:

''(k) COUNCIL TRAINING PROGRAM.—

''(1) TRAINING COURSE.—Within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils and the National Sea Grant College Program, shall develop a training course for newly appointed Council members. The course may cover a variety of topics relevant to matters before the Councils, including—

''(A) fishery science and basic stock assessment methods;

''(B) fishery management techniques, data needs, and Council procedures;

''(C) social science and fishery economics;

''(D) tribal treaty rights and native customs, access, and other rights related to Western Pacific indigenous communities;

''(E) legal requirements of this Act, including conflict of interest and disclosure provisions of this section and related policies;

''(F) other relevant legal and regulatory requirements, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.);

''(G) public process for development of fishery management plans;

''(H) other topics suggested by the Council; and

''(I) recreational and commercial fishing information, including fish harvesting techniques, gear types, fishing vessel types, and economics for the fisheries within each Council's jurisdiction.

''(2) MEMBER TRAINING.—The training course shall be available to both new and existing Council members, staff from the regional offices and regional science centers of the National Marine Fisheries Service, and may be made available to committee or advisory panel members as resources allow.

''(3) REQUIRED TRAINING.—Council members appointed after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 shall complete a training course that meets the requirements of this section not later than 1 year after the date on which they were appointed. Any Council member who has completed a training course within 24 months before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 shall be considered to have met the training requirement of this paragraph.

''(l) COUNCIL COORDINATION COMMITTEE.—The Councils may establish a Council coordination committee consisting of the chairs, vice chairs, and executive directors of each of the 8 Councils described in subsection (a)(1), or other Council members or staff, in order to discuss issues of relevance to all Councils, including issues related to the implementation of this Act.''.

(h) PROCEDURAL MATTERS.—Section 302(i) (16 U.S.C. 1852(i)) is amended—

(1) by striking ''to the Councils or to the scientific and statistical committees or advisory panels established under subsection (g).'' in paragraph (1) and inserting ''to the Councils, the Council coordination committee established under subsection (l), or to the scientific and statistical committees or other committees or advisory panels established under subsection (g).'';

(2) by striking ''of a Council, and of the scientific and statistical committee and advisory panels established under subsection (g):'' in paragraph (2) and inserting ''of a Council, of the Council coordination committee established under subsection (l), and of the scientific and statistical committees or other committees or advisory panels established under subsection (g):''; and

(3) by inserting ''the Council Coordination Committee established under subsection (l),'' in paragraph (3)(A) after ''Council,''; and

(4) by inserting ''other committees,'' in paragraph (3)(A) after ''committee,''.

(i) CONFLICTS OF INTEREST.—Section 302(j) (16 U.S.C. 1852(j)) is amended—

(1) by inserting ''lobbying, advocacy,'' after ''processing,'' in paragraph (2);

(2) by striking ''jurisdiction.'' in paragraph (2) and inserting ''jurisdiction, or with respect to an individual or organization with a financial interest in such activity.'';

(3) by striking subparagraph (B) of paragraph (5) and inserting the following:

''(B) be kept on file by the Council and made available on the Internet and for public inspection at the Council offices during reasonable hours; and''; and

(4) by adding at the end the following:

''(9) On January 1, 2008, and annually thereafter, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on action taken by the Secretary and the Councils to implement the disclosure of financial interest and recusal requirements of this subsection, including identification of any conflict of interest problems with respect to the Councils and scientific and statistical committees and recommendations for addressing any such problems.''.

(j) GULF OF MEXICO FISHERIES MANAGEMENT COUNCIL.—Section 302(b)(2) (16 U.S.C. 1852(b)(2)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following:

''(D)(i) The Governor of a State submitting a list of names of individuals for appointment by the Secretary of Commerce to the Gulf of Mexico Fisheries Management Council under subparagraph (C) shall include—

''(I) at least 1 nominee each from the commercial, recreational, and charter fishing sectors; and

''(II) at least 1 other individual who is knowledgeable regarding the conservation and management of fisheries resources in the jurisdiction of the Council.

''(ii) Notwithstanding the requirements of subparagraph (C), if the Secretary determines that the list of names submitted by the Governor does not meet the requirements of clause (i) the Secretary shall—

''(I) publish a notice in the Federal Register asking the residents of that State to submit the names and pertinent biographical data of individuals who would meet the requirement not met for appointment to the Council; and

''(II) add the name of any qualified individual submitted by the public who meets the unmet requirement to the list of names submitted by the Governor.

''(iii) For purposes of clause (i) an individual who owns or operates a fish farm outside of the United States shall not be considered to be a representative of the commercial or recreational fishing sector.

''(iv) The requirements of this subparagraph shall expire at the end of fiscal year 2012.''.

SEC. 104. FISHERY MANAGEMENT PLAN REQUIREMENTS.

(a) IN GENERAL.—Section 303(a) (16 U.S.C. 1853(a)) is amended—

(1) striking ''and charter fishing'' in paragraph (5) and inserting ''charter fishing, and fish processing'';

(2) by inserting ''economic information necessary to meet the requirements of this Act,'' in paragraph (5) after ''number of hauls,'';

(3) by striking ''and'' after the semicolon in paragraph (9)(A);

(4) by inserting ''and'' after the semicolon in paragraph (9)(B);

(5) by inserting after paragraph (9)(B) the following:

''(C) the safety of human life at sea, including whether and to what extent such measures may affect the safety of participants in the fishery;

(6) by striking ''fishery'' the first place it appears in paragraph (13) and inserting ''fishery, including its economic impact,'';

(7) by striking ''and'' after the semicolon in paragraph (13);

(8) by striking ''allocate'' in paragraph (14) and inserting ''allocate, taking into consideration the economic impact of the harvest restrictions or recovery benefits on the fishery participants in each sector,'';

(9) by striking ''fishery.'' in paragraph (14) and inserting ''fishery and;''; and

(10) by adding at the end the following:

''(15) establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability.''.

(b) EFFECTIVE DATES; APPLICATION TO CERTAIN SPECIES.—The amendment made by subsection (a)(10)—

(1) shall, unless otherwise provided for under an international agreement in which the United States participates, take effect—

(A) in fishing year 2010 for fisheries determined by the Secretary to be subject to overfishing; and

(B) in fishing year 2011 for all other fisheries; and

(2) shall not apply to a fishery for species that have a life cycle of approximately 1 year unless the Secretary has determined the fishery is subject to overfishing of that species; and

(3) shall not limit or otherwise affect the requirements of section 301(a)(1) or 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a)(1) or 1854(e), respectively).

(c) CLARIFICATION OF REBUILDING PROVISION.—Section 304(e) (16 U.S.C. 1854(e)) is amended—

(1) by striking ''one year of'' in paragraph (3) and inserting ''2 years after'';

(2) by inserting ''and implement'' after ''prepare'' in paragraph (3);

(k) by inserting ''immediately'' after ''overfishing'' in paragraph (3)(A);

(4) by striking ''ending overfishing and'' in paragraph (4)(A); and

(5) by striking ''one-year'' in paragraph (5) and inserting ''2-year''.

(d) EFFECTIVE DATE FOR SUBSECTION (c).—The amendments made by subsection (c) shall take effect 30 months after the date of enactment of this Act.

SEC. 105. FISHERY MANAGEMENT PLAN DISCRETIONARY PROVISIONS.

Section 303(b) (16 U.S.C. 1853(b)) is amended—

(1) by inserting ''(A)'' after ''(2)'' in paragraph (2);

(2) by inserting after paragraph (2) the following:

''(B) designate such zones in areas where deep sea corals are identified under section 408, to protect deep sea corals from physical damage from fishing gear or to prevent loss or damage to such fishing gear from interactions with deep sea corals, after considering long-term sustainable uses of fishery resources in such areas; and

''(C) with respect to any closure of an area under this Act that prohibits all fishing, ensure that such closure—

''(i) is based on the best scientific information available;

''(ii) includes criteria to assess the conservation benefit of the closed area;

''(iii) establishes a timetable for review of the closed area's performance that is consistent with the purposes of the closed area; and

''(iv) is based on an assessment of the benefits and impacts of the closure, including its size, in relation to other management measures (either alone or in combination with such measures), including the benefits and impacts of limiting access to: users of the area, overall fishing activity, fishery science, and fishery and marine conservation;'';

(3) by striking ''fishery;'' in paragraph (5) and inserting ''fishery and take into account the different circumstances affecting fisheries from different States and ports, including distances to fishing grounds and proximity to time and area closures;'';

(4) by striking paragraph (6) and inserting the following:

''(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account—

''(A) present participation in the fishery;

''(B) historical fishing practices in, and dependence on, the fishery;

''(C) the economics of the fishery;

''(D) the capability of fishing vessels used in the fishery to engage in other fisheries;

''(E) the cultural and social framework relevant to the fishery and any affected fishing communities;

''(F) the fair and equitable distribution of access privileges in the fishery; and

''(G) any other relevant considerations;'';

(5) by striking ''(other than economic data)'' in paragraph (7);

(6) by striking ''and'' after the semicolon in paragraph (11); and

(7) by redesignating paragraph (12) as paragraph (14) and inserting after paragraph (11) the following:

''(12) include management measures in the plan to conserve target and non-target species and habitats, considering the variety of ecological factors affecting fishery populations; and''.

SEC. 106. LIMITED ACCESS PRIVILEGE PROGRAMS.

(a) IN GENERAL.—Title III (16 U.S.C. 1851 et seq.) is amended—

(1) by striking section 303(d); and

(2) by inserting after section 303 the following:

''SEC. 303A. LIMITED ACCESS PRIVILEGE PROGRAMS.

''(a) IN GENERAL.—After the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, a Council may submit, and the Secretary may approve, for a fishery that is managed under a limited access system, a limited access privilege program to harvest fish if the program meets the requirements of this section.

''(b) NO CREATION OF RIGHT, TITLE, OR INTEREST.—Limited access privilege, quota share, or other limited access system authorization established, implemented, or managed under this Act—

''(1) shall be considered a permit for the purposes of sections 307, 308, and 309;

''(2) may be revoked, limited, or modified at any time in accordance with this Act, including revocation if the system is found to have jeopardized the sustainability of the stock or the safety of fishermen;

''(3) shall not confer any right of compensation to the holder of such limited access privilege, quota share, or other such limited access system authorization if it is revoked, limited, or modified;

''(4) shall not create, or be construed to create, any right, title, or interest in or to any fish before the fish is harvested by the holder; and

''(5) shall be considered a grant of permission to the holder of the limited access privilege or quota share to engage in activities permitted by such limited access privilege or quota share.

''(c) REQUIREMENTS FOR LIMITED ACCESS PRIVILEGES.—

''(1) IN GENERAL.—Any limited access privilege program to harvest fish submitted by a Council or approved by the Secretary under this section shall—

''(A) if established in a fishery that is overfished or subject to a rebuilding plan, assist in its rebuilding; and

''(B) if established in a fishery that is determined by the Secretary or the Council to have over-capacity, contribute to reducing capacity;

''(C) promote—

''(i) fishing safety; and

''(ii) fishery conservation and management; and

''(iii) social and economic benefits;

''(D) prohibit any person other than a United States citizen, a corporation, partnership, or other entity established under the laws of the United States or any State, or a permanent resident alien, that meets the eligibility and participation requirements established in the program from acquiring a privilege to harvest fish, including any person that acquires a limited access privilege solely for the purpose of perfecting or realizing on a security interest in such privilege;

''(E) require that all fish harvested under a limited access privilege program be processed on vessels of the United States or on United States soil (including any territory of the United States);

''(F) specify the goals of the program;

''(G) include provisions for the regular monitoring and review by the Council and the Secretary of the operations of the program, including determining progress in meeting the goals of the program and this Act, and any necessary modification of the program to meet those goals, with a formal and detailed review 5 years after the implementation of the program and thereafter to coincide with scheduled Council review of the relevant fishery management plan (but no less frequently than once every 7 years);

''(H) include an effective system for enforcement, monitoring, and management of the program, including the use of observers or electronic monitoring systems;

''(I) include an appeals process for administrative review of the Secretary's decisions regarding initial allocation of limited access privileges;

''(J) provide for the establishment by the Secretary, in consultation with appropriate Federal agencies, for an information collection and review process to provide any additional information needed to determine whether any illegal acts of anti-competition, anti-trust, price collusion, or price fixing have occurred among regional fishery associations or persons receiving limited access privileges under the program; and

''(K) provide for the revocation by the Secretary of limited access privileges held by any person found to have violated the antitrust laws of the United States.

''(2) WAIVER.—The Secretary may waive the requirement of paragraph (1)(E) if the Secretary determines that—

''(A) the fishery has historically processed the fish outside of the United States; and

''(B) the United States has a seafood safety equivalency agreement with the country where processing will occur.

''(3) FISHING COMMUNITIES.—

''(A) IN GENERAL.—

''(i) ELIGIBILITY.—To be eligible to participate in a limited access privilege program to harvest fish, a fishing community shall—

''(I) be located within the management area of the relevant Council;

''(II) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;

''(III) consist of residents who conduct commercial or recreational fishing, processing, or fishery-dependent support businesses within the Council's management area; and

''(IV) develop and submit a community sustainability plan to the Council and the Secretary that demonstrates how the plan will address the social and economic development needs of coastal communities, including those that have not historically had the resources to participate in the fishery, for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

''(ii) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny or revoke limited access privileges granted under this section for any person who fails to comply with the requirements of the community sustainability plan. Any limited access privileges denied or

revoked under this section may be reallocated to other eligible members of the fishing community.

''(B) PARTICIPATION CRITERIA.—In developing participation criteria for eligible communities under this paragraph, a Council shall consider—

''(i) traditional fishing or processing practices in, and dependence on, the fishery;

''(ii) the cultural and social framework relevant to the fishery;

''(iii) economic barriers to access to fishery;

''(iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;

''(v) the expected effectiveness, operational transparency, and equitability of the community sustainability plan; and

''(vi) the potential for improving economic conditions in remote coastal communities lacking resources to participate in harvesting or processing activities in the fishery.

''(4) REGIONAL FISHERY ASSOCIATIONS.—

''(A) IN GENERAL.—To be eligible to participate in a limited access privilege program to harvest fish, a regional fishery association shall—

''(i) be located within the management area of the relevant Council;

''(ii) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;

''(iii) be a voluntary association, among willing parties, with established by-laws and operating procedures;

''(iv) consist of participants in the fishery who hold quota share that are designated for use in the specific region or subregion covered by the regional fishery association, including commercial or recreational fishing, processing, fishery-dependent support businesses, or fishing communities;

''(v) not be eligible to receive an initial allocation of a limited access privilege but may acquire such privileges after the initial allocation, and may hold the annual fishing privileges of any limited access privileges it holds or the annual fishing privileges that is members contribute; and

''(vi) develop and submit a regional fishery association plan to the Council and the Secretary for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

''(B) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny or revoke limited access privileges granted under this section to any person participating in a regional fishery association who fails to comply with the requirements of the regional fishery association plan.

''(C) PARTICIPATION CRITERIA.—In developing participation criteria for eligible regional fishery associations under this paragraph, a Council shall consider—

''(i) traditional fishing or processing practices in, and dependence on, the fishery;

''(ii) the cultural and social framework relevant to the fishery;

''(iii) economic barriers to access to fishery;

''(iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;

''(v) the administrative and fiduciary soundness of the association; and

''(vi) the expected effectiveness, operational transparency, and equitability of the fishery association plan.

''(5) ALLOCATION.—In developing a limited access privilege program to harvest fish a Council or the Secretary shall—

''(A) establish procedures to ensure fair and equitable initial allocations, including consideration of—

''(i) current and historical harvests;

''(ii) employment in the harvesting and processing sectors;

''(iii) investments in, and dependence upon, the fishery; and

''(iv) the current and historical participation of fishing communities;

''(B) consider the basic cultural and social framework of the fishery, especially through—

''(i) the development of policies to promote the sustained participation of small owner-operated fishing vessels and fishing communities that depend on the fisheries, including regional or port-specific landing or delivery requirements; and

''(ii) procedures to address concerns over excessive geographic or other consolidation in the harvesting or processing sectors of the fishery;

''(C) include measures to assist, when necessary and appropriate, entry-level and small vessel owner-operators, captains, crew, and fishing communities through set-asides of harvesting allocations, including providing privileges, which may include set-asides or allocations of harvesting privileges, or economic assistance in the purchase of limited access privileges;

''(D) ensure that limited access privilege holders do not acquire an excessive share of the total limited access privileges in the program by—

''(i) establishing a maximum share, expressed as a percentage of the total limited access privileges, that a limited access privilege holder is permitted to hold, acquire, or use; and

''(ii) establishing any other limitations or measures necessary to prevent an inequitable concentration of limited access privileges; and

''(E) authorize limited access privileges to harvest fish to be held, acquired, used by, or issued under the system to persons who substantially participate in the fishery, including in a specific sector of such fishery, as specified by the Council.

''(6) PROGRAM INITIATION.—

''(A) LIMITATION.—Except as provided in subparagraph (D), a Council may initiate a fishery management plan or amendment to establish a limited access privilege program to harvest fish on its own initiative or if the Secretary has certified an appropriate petition.

''(B) PETITION.—A group of fishermen constituting more than 50 percent of the permit holders, or holding more than 50 percent of the allocation, in the fishery for which a limited access privilege program to harvest fish is sought, may submit a petition to the Secretary requesting that the relevant Council or Councils with authority over the fishery be authorized to initiate the development of the program. Any such petition shall clearly state the fishery to which the limited access privilege program would apply. For multispecies permits in the Gulf of Mexico, only those participants who have substantially fished the species proposed to be included in the limited access program shall be eligible to sign a petition for such a program and shall serve as the basis for determining the percentage described in the first sentence of this subparagraph.

''(C) CERTIFICATION BY SECRETARY.—Upon the receipt of any such petition, the Secretary shall review all of the signatures on the petition and, if the Secretary determines that the signatures on the petition represent more than 50 percent of the permit holders, or holders of more than 50 percent of the allocation in the fishery, as described by subparagraph (B), the Secretary shall certify the petition to the appropriate Council or Councils.

''(D) NEW ENGLAND AND GULF REFERENDUM.—

''(i) Except as provided in clause (iii) for the Gulf of Mexico commercial red snapper fishery, the New England and Gulf Councils may not submit, and the Secretary may not approve or implement, a fishery management plan or amendment that creates an individual fishing quota program, including a Secretarial plan, unless such a system, as ultimately developed, has been approved by more than ⅔ of those voting in a referendum among eligible permit holders, or other persons described in clause (v), with respect to the New England Council, and by a majority of those voting in the referendum among eligible permit holders with respect to the Gulf Council. For multispecies permits in the Gulf of Mexico, only those participants who have substantially fished the species proposed to be included in the individual fishing quota program shall be eligible to vote in such a referendum. If an individual fishing quota program fails to be approved by the requisite number of those voting, it may be revised and submitted for approval in a subsequent referendum.

''(ii) The Secretary shall conduct a referendum under this subparagraph, including notifying all persons eligible to participate in the referendum and making available to them information concerning the schedule, procedures, and eligibility requirements for the referendum process and the proposed individual fishing quota program. Within 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall publish guidelines and procedures to determine procedures and voting eligibility requirements for referenda and to conduct such referenda in a fair and equitable manner.

''(iii) The provisions of section 407(c) of this Act shall apply in lieu of this subparagraph for an individual fishing quota program for the Gulf of Mexico commercial red snapper fishery.

''(iv) Chapter 35 of title 44, United States Code, (commonly known as the Paperwork Reduction Act) does not apply to the referenda conducted under this subparagraph.

''(v) The Secretary shall promulgate criteria for determining whether additional fishery participants are eligible to vote in the New England referendum described in clause (i) in order to ensure that crew members who derive a significant percentage of their total income from the fishery under the proposed program are eligible to vote in the referendum.

''(vi) In this subparagraph, the term 'individual fishing quota' does not include a sector allocation.

''(7) TRANSFERABILITY.—In establishing a limited access privilege program, a Council shall—

''(A) establish a policy and criteria for the transferability of limited access privileges (through sale or lease), that is consistent with the policies adopted by the Council for the fishery under paragraph (5); and

''(B) establish, in coordination with the Secretary, a process for monitoring of transfers (including sales and leases) of limited access privileges.

''(8) PREPARATION AND IMPLEMENTATION OF SECRETARIAL PLANS.—This subsection also applies to a plan prepared and implemented

by the Secretary under section 304(c) or 304(g).

''(9) ANTITRUST SAVINGS CLAUSE.—Nothing in this Act shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For purposes of the preceding sentence, the term 'antitrust laws' has the meaning given such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

''(d) AUCTION AND OTHER PROGRAMS.—In establishing a limited access privilege program, a Council shall consider, and may provide, if appropriate, an auction system or other program to collect royalties for the initial, or any subsequent, distribution of allocations in a limited access privilege program if—

''(1) the system or program is administered in such a way that the resulting distribution of limited access privilege shares meets the program requirements of this section; and

''(2) revenues generated through such a royalty program are deposited in the Limited Access System Administration Fund established by section 305(h)(5)(B) and available subject to annual appropriations.

''(e) COST RECOVERY.—In establishing a limited access privilege program, a Council shall—

''(1) develop a methodology and the means to identify and assess the management, data collection and analysis, and enforcement programs that are directly related to and in support of the program; and

''(2) provide, under section 304(d)(2), for a program of fees paid by limited access privilege holders that will cover the costs of management, data collection and analysis, and enforcement activities.

''(f) CHARACTERISTICS.—A limited access privilege established after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 is a permit issued for a period of not more than 10 years that—

''(1) will be renewed before the end of that period, unless it has been revoked, limited, or modified as provided in this subsection;

''(2) will be revoked, limited, or modified if the holder is found by the Secretary, after notice and an opportunity for a hearing under section 554 of title 5, United States Code, to have failed to comply with any term of the plan identified in the plan as cause for revocation, limitation, or modification of a permit, which may include conservation requirements established under the plan;

''(3) may be revoked, limited, or modified if the holder is found by the Secretary, after notice and an opportunity for a hearing under section 554 of title 5, United States Code, to have committed an act prohibited by section 307 of this Act; and

''(4) may be acquired, or reacquired, by participants in the program under a mechanism established by the Council if it has been revoked, limited, or modified under paragraph (2) or (3).

''(g) LIMITED ACCESS PRIVILEGE ASSISTED PURCHASE PROGRAM.—

''(1) IN GENERAL.—A Council may submit, and the Secretary may approve and implement, a program which reserves up to 25 percent of any fees collected from a fishery under section 304(d)(2) to be used, pursuant to section 53706(a)(7) of title 46, United States Code, to issue obligations that aid in financing—

''(A) the purchase of limited access privileges in that fishery by fishermen who fish from small vessels; and

''(B) the first-time purchase of limited access privileges in that fishery by entry level fishermen.

''(2) ELIGIBILITY CRITERIA.—A Council making a submission under paragraph (1) shall recommend criteria, consistent with the provisions of this Act, that a fisherman must meet to qualify for guarantees under subparagraphs (A) and (B) of paragraph (1) and the portion of funds to be allocated for guarantees under each subparagraph.

''(h) EFFECT ON CERTAIN EXISTING SHARES AND PROGRAMS.—Nothing in this Act, or the amendments made by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, shall be construed to require a reallocation or a reevaluation of individual quota shares, processor quota shares, cooperative programs, or other quota programs, including sector allocation in effect before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006.

''(i) TRANSITION RULES.—

''(1) IN GENERAL.—The requirements of this section shall not apply to any quota program, including any individual quota program, cooperative program, or sector allocation for which a Council has taken final action or which has been submitted by a Council to the Secretary, or approved by the Secretary, within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, except that—

''(A) the requirements of section 303(d) of this Act in effect on the day before the date of enactment of that Act shall apply to any such program;

''(B) the program shall be subject to review under subsection (c)(1)(G) of this section not later than 5 years after the program implementation; and

''(C) nothing in this subsection precludes a Council from incorporating criteria contained in this section into any such plans.

(b) FEES.—Section 304(d)(2)(A) (16 U.S.C. 1854(d)(2)(A)) is amended by striking ''management and enforcement'' and inserting ''management, data collection, and enforcement''.

(c) INVESTMENT IN UNITED STATES SEAFOOD PROCESSING FACILITIES.—The Secretary of Commerce shall work with the Small Business Administration and other Federal agencies to develop financial and other mechanisms to encourage United States investment in seafood processing facilities in the United States for fisheries that lack capacity needed to process fish harvested by United States vessels in compliance with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(d) CONFORMING AMENDMENT.—Section 304(d)(2)(C)(i) (16 U.S.C. 1854(d)(2)(C)(i)) is amended by striking ''section 305(h)(5)(B)'' and all that follows and inserting ''section 305(h)(5)(B).''.

(e) APPLICATION WITH AMERICAN FISHERIES ACT.—Nothing in section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), as added by subsection (a), shall be construed to modify or supersede any provision of the American Fisheries Act (46 U.S.C. 12102 note; 16 U.S.C. 1851 note; et alia).

SEC. 107. ENVIRONMENTAL REVIEW PROCESS.

Section 304 (16 U.S.C. 1854) is amended by adding at the end the following:

''(i) ENVIRONMENTAL REVIEW PROCESS.—

''(1) PROCEDURES.—The Secretary shall, in consultation with the Councils and the Council on Environmental Quality, revise and update agency procedures for compliance with the National Environmental Policy Act (42 U.S.C. 4231 et seq.). The procedures shall—

''(A) conform to the time lines for review and approval of fishery management plans and plan amendments under this section; and

''(B) integrate applicable environmental analytical procedures, including the time frames for public input, with the procedure for the preparation and dissemination of fishery management plans, plan amendments, and other actions taken or approved pursuant to this Act in order to provide for timely, clear and concise analysis that is useful to decision makers and the public, reduce extraneous paperwork, and effectively involve the public.

''(2) USAGE.—The updated agency procedures promulgated in accordance with this section used by the Councils or the Secretary shall be the sole environmental impact assessment procedure for fishery management plans, amendments, regulations, or other actions taken or approved pursuant to this Act.

''(3) SCHEDULE FOR PROMULGATION OF FINAL PROCEDURES.—The Secretary shall—

''(A) propose revised procedures within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006;

''(B) provide 90 days for public review and comments; and

''(C) promulgate final procedures no later than 12 months after the date of enactment of that Act.

''(4) PUBLIC PARTICIPATION.—The Secretary is authorized and directed, in cooperation with the Council on Environmental Quality and the Councils, to involve the affected public in the development of revised procedures, including workshops or other appropriate means of public involvement.''.

SEC. 108. EMERGENCY REGULATIONS.

(a) LENGTHENING OF SECOND EMERGENCY PERIOD.—Section 305(c)(3)(B) (16 U.S.C. 1855(c)(3)(B)) is amended by striking ''180 days,'' the second time it appears and inserting ''186 days,''.

(b) TECHNICAL AMENDMENT.—Section 305(c)(3)(D) (16 U.S.C. 1855(c)(3)(D)) is amended by inserting ''or interim measures'' after ''emergency regulations''.

SEC. 109. WESTERN PACIFIC AND NORTH PACIFIC COMMUNITY DEVELOPMENT.

Section 305 (16 U.S.C. 1855) is amended by adding at the end thereof the following:

''(j) WESTERN PACIFIC AND NORTHERN PACIFIC REGIONAL MARINE EDUCATION AND TRAINING.—

''(1) IN GENERAL.—The Secretary shall establish a pilot program for regionally-based marine education and training programs in the Western Pacific and the Northern Pacific to foster understanding, practical use of knowledge (including native Hawaiian, Alaskan Native, and other Pacific Islander-based knowledge), and technical expertise relevant to stewardship of living marine resources. The Secretary shall, in cooperation with the Western Pacific and the North Pacific Regional Fishery Management Councils, regional educational institutions, and local Western Pacific and Northern Pacific community training entities, establish programs or projects that will improve communication, education, and training on marine resource issues throughout the region and increase scientific education for marine-related professions among coastal community residents, including indigenous Pacific islanders, Native Hawaiians, Alaskan Natives, and other underrepresented groups in the region.

''(2) PROGRAM COMPONENTS.—The program shall—

''(A) include marine science and technology education and training programs focused on preparing community residents for employment in marine related professions, including marine resource conservation and management, marine science, marine technology, and maritime operations;

''(B) include fisheries and seafood-related training programs, including programs for fishery observers, seafood safety and seafood marketing, focused on increasing the involvement of coastal community residents in fishing, fishery management, and seafood-related operations;

''(C) include outreach programs and materials to educate and inform consumers about the quality and sustainability of wild fish or fish products farmed through responsible aquaculture, particularly in Hawaii, Alaska, the Western Pacific, the Northern Pacific, and the Central Pacific;

''(D) include programs to identify, with the fishing industry, methods and technologies that will improve the data collection, quality, and reporting and increase the sustainability of fishing practices, and to transfer such methods and technologies among fisheries sectors and to other nations in the Western, Northern, and Central Pacific;

''(E) develop means by which local and traditional knowledge (including Pacific islander, Native Hawaiian, and Alaskan Native knowledge) can enhance science-based management of fishery resources of the region; and

''(F) develop partnerships with other Western Pacific Island and Alaskan agencies, academic institutions, and other entities to meet the purposes of this section.''.

SEC. 110. SECRETARIAL ACTION ON STATE GROUNDFISH FISHING.

Section 305 (16 U.S.C. 1855), as amended by section 109 of this Act, is further amended by adding at the end thereof the following:

''(k) MULTISPECIES GROUNDFISH.—

''(1) IN GENERAL.—Within 60 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary of Commerce shall determine whether fishing in State waters—

''(A) without a New England multispecies groundfish fishery permit on regulated species within the multispecies complex is not consistent with the applicable Federal fishery management plan; or

''(B) without a Federal bottomfish and seamount groundfish permit in the Hawaiian archipelago on regulated species within the complex is not consistent with the applicable Federal fishery management plan or State data are not sufficient to make such a determination.

''(2) CURE.—If the Secretary makes a determination that such actions are not consistent with the plan, the Secretary shall, in consultation with the Council, and after notifying the affected State, develop and implement measures to cure the inconsistency pursuant to section 306(b).''.

SEC. 111. JOINT ENFORCEMENT AGREEMENTS.

(a) IN GENERAL.—Section 311 (16 U.S.C. 1861) is amended—

(1) by striking ''and'' after the semicolon in subsection (b)(1)(A)(iv);

(2) by inserting ''and'' after the semicolon in subsection (b)(1)(A)(v);

(3) by inserting after clause (v) of subsection (b)(1)(A) the following:

''(vi) access, directly or indirectly, for enforcement purposes any data or information required to be provided under this title or regulations under this title, including data from vessel monitoring systems, satellite-based maritime distress and safety systems, or any similar system, subject to the confidentiality provisions of section 402;'';

(4) by redesignating subsection (h) as subsection (j); and

(5) by inserting after subsection (g) the following:

''(h) JOINT ENFORCEMENT AGREEMENTS.—

''(1) IN GENERAL.—The Governor of an eligible State may apply to the Secretary for execution of a joint enforcement agreement with the Secretary that will authorize the deputization and funding of State law enforcement officers with marine law enforcement responsibilities to perform duties of the Secretary relating to law enforcement provisions under this title or any other marine resource law enforced by the Secretary. Upon receiving an application meeting the requirements of this subsection, the Secretary may enter into a joint enforcement agreement with the requesting State.

''(2) ELIGIBLE STATE.—A State is eligible to participate in the cooperative enforcement agreements under this section if it is in, or bordering on, the Atlantic Ocean (including the Caribbean Sea), the Pacific Ocean, the Arctic Ocean, the Gulf of Mexico, Long Island Sound, or 1 or more of the Great Lakes.

''(3) REQUIREMENTS.—Joint enforcement agreements executed under paragraph (1)—

''(A) shall be consistent with the purposes and intent of this section to the extent applicable to the regulated activities;

''(B) may include specifications for joint management responsibilities as provided by the first section of Public Law 91–412 (15 U.S.C. 1525); and

''(C) shall provide for confidentiality of data and information submitted to the State under section 402.

''(4) ALLOCATION OF FUNDS.—The Secretary shall include in each joint enforcement agreement an allocation of funds to assist in management of the agreement. The allocation shall be fairly distributed among all eligible States participating in cooperative enforcement agreements under this subsection, based upon consideration of Federal marine enforcement needs, the specific marine conservation enforcement needs of each participating eligible State, and the capacity of the State to undertake the marine enforcement mission and assist with enforcement needs. The agreement may provide for amounts to be withheld by the Secretary for the cost of any technical or other assistance provided to the State by the Secretary under the agreement.

''(i) IMPROVED DATA SHARING.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, as soon as practicable but no later than 21 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall implement data-sharing measures to make any data required to be provided by this Act from satellite-based maritime distress and safety systems, vessel monitoring systems, or similar systems—

''(A) directly accessible by State enforcement officers authorized under subsection (a) of this section; and

''(B) available to a State management agency involved in, or affected by, management of a fishery if the State has entered into an agreement with the Secretary under section 402(b)(1)(B) of this Act.

''(2) AGREEMENT REQUIRED.—The Secretary shall promptly enter into an agreement with a State under section 402(b)(1)(B) of this Act if—

''(A) the Attorney General or highest ranking legal officer of the State provides a written opinion or certification that State law allows the State to maintain the confidentiality of information required by Federal law to be kept confidential; or

''(B) the Secretary is provided other reasonable assurance that the State can and will protect the identity or business of any person to which such information relates.''.

(b) REPORT.—Within 15 months after the date of enactment of this Act, the National Marine Fisheries Service and the United States Coast Guard shall transmit a joint report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources containing—

(1) a cost-to-benefit analysis of the feasibility, value, and cost of using vessel monitoring systems, satellite-based maritime distress and safety systems, or similar systems for fishery management, conservation, enforcement, and safety purposes with the Federal government bearing the capital costs of any such system;

(2) an examination of the cumulative impact of existing requirements for commercial vessels;

(3) an examination of whether satellite-based maritime distress and safety systems, or similar requirements would overlap existing requirements or render them redundant;

(4) an examination of how data integration from such systems could be addressed;

(5) an examination of how to maximize the data-sharing opportunities between relevant State and Federal agencies and provide specific information on how to develop these opportunities, including the provision of direct access to satellite-based maritime distress and safety system or similar system data to State enforcement officers, while considering the need to maintain or provide an appropriate level of individual vessel confidentiality where practicable; and

(6) an assessment of how the satellite-based maritime distress and safety system or similar systems could be developed, purchased, and distributed to regulated vessels.

SEC. 112. TRANSITION TO SUSTAINABLE FISHERIES.

(a) IN GENERAL.—Section 312 (16 U.S.C. 1861a) is amended—

(1) by striking ''measures;'' in subsection (a)(1)(B) and inserting ''measures, including regulatory restrictions (including those imposed as a result of judicial action) imposed to protect human health or the marine environment;'';

(2) by striking ''1996, 1997, 1998, and 1999.'' in subsection (a)(4) and inserting ''2007 through 2013.'';

(3) by striking ''or the Governor of a State for fisheries under State authority, may conduct a fishing'' in subsection (b)(1) and inserting ''the Governor of a State for fisheries under State authority, or a majority of permit holders in the fishery, may conduct a voluntary fishing'';

(4) by inserting ''practicable'' after ''entrants,'' in subsection (b)(1)(B)((i);

(5) by striking ''cost-effective and'' in subsection (b)(1)(C) and inserting ''cost-effective and, in the instance of a program involving an industry fee system, prospectively'';

(6) by striking subparagraph (A) of subsection (b)(2) and inserting the following:

''(A) the owner of a fishing vessel, if the permit authorizing the participation of the vessel in the fishery is surrendered for permanent revocation and the vessel owner and permit holder relinquish any claim associated with the vessel or permit that could qualify such owner or holder for any present or future limited access system permit in the fishery for which the program is established or in any other fishery and such vessel is (i) scrapped, or (ii) through the Secretary of the department in which the Coast Guard is operating, subjected to title restrictions (including loss of the vessel's fisheries endorsement) that permanently prohibit and effectively prevent its use in fishing in federal or state waters, or fishing on the high seas or in the waters of a foreign nation; or'';

(7) by striking ''The Secretary shall consult, as appropriate, with Councils,'' in subsection (b)(4) and inserting ''The harvester proponents of each program and the Secretary shall consult, as appropriate and practicable, with Councils,'';

(8) by adding at the end of subsection (b) the following:

''(5) PAYMENT CONDITION.—The Secretary may not make a payment under paragraph (2) with respect to a vessel that will not be scrapped unless the Secretary certifies that the vessel will not be used for fishing in the waters of a foreign nation or fishing on the high seas.

''(6) REPORT.—

''(A) IN GENERAL.—Subject to the availability of funds, the Secretary shall, within 12 months after the date of the enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 submit to the Congress a report—

''(i) identifying and describing the 20 fisheries in United States waters with the most severe examples of excess harvesting capacity in the fisheries, based on value of each fishery and the amount of excess harvesting capacity as determined by the Secretary;

''(ii) recommending measures for reducing such excess harvesting capacity, including the retirement of any latent fishing permits that could contribute to further excess harvesting capacity in those fisheries; and

''(iii) potential sources of funding for such measures.

''(B) BASIS FOR RECOMMENDATIONS.—The Secretary shall base the recommendations made with respect to a fishery on—

''(i) the most cost effective means of achieving voluntary reduction in capacity for the fishery using the potential for industry financing; and

''(ii) including measures to prevent the capacity that is being removed from the fishery from moving to other fisheries in the United States, in the waters of a foreign nation, or on the high seas.'';

(9) by striking ''Secretary, at the request of the appropriate Council,'' in subsection (d)(1)(A) and inserting ''Secretary'';

(10) by striking ''Secretary, in consultation with the Council,'' in subsection (d)(1)(A) and inserting ''Secretary'';

(11) by striking ''a two-thirds majority of the participants voting.'' in subsection (d)(1)(B) and inserting ''at least a majority of the permit holders in the fishery, or 50 percent of the permitted allocation of the fishery, who participated in the fishery.'';

(12) by striking ''establish;'' in subsection (d)(2)((C) and inserting ''establish, unless the Secretary determines that such fees should be collected from the seller;'' and

(13) striking subsection (e) and inserting the following:

''(e) IMPLEMENTATION PLAN.—

''(1) FRAMEWORK REGULATIONS.—The Secretary shall propose and adopt framework regulations applicable to the implementation of all programs under this section.

''(2) PROGRAM REGULATIONS.—The Secretary shall implement each program under this section by promulgating regulations that, together with the framework regulations, establish each program and control its implementation.

''(3) HARVESTER PROPONENTS' IMPLEMENTATION PLAN.—The Secretary may not propose implementation regulations for a program to be paid for by an industry fee system until the harvester proponents of the program provide to the Secretary a proposed implementation plan that, among other matters—

''(A) proposes the types and numbers of vessels or permits that are eligible to participate in the program and the manner in which the program shall proceed, taking into account—

''(i) the requirements of this section;

''(ii) the requirements of the framework regulations;

''(iii) the characteristics of the fishery and affected fishing communities;

''(iv) the requirements of the applicable fishery management plan and any amendment that such plan may require to support the proposed program;

''(v) the general needs and desires of harvesters in the fishery;

''(vi) the need to minimize program costs; and

''(vii) other matters, including the manner in which such proponents propose to fund the program to ensure its cost effectiveness, as well as any relevant factors demonstrating the potential for, or necessary to obtain, the support and general cooperation of a substantial number of affected harvesters in the fishery (or portion of the fishery) for which the program is intended; and

''(B) proposes procedures for program participation (such as submission of owner bids under an auction system or fair market-value assessment), including any terms and conditions for participation, that the harvester proponents deem to be reasonably necessary to meet the program's proposed objectives.

''(4) PARTICIPATION CONTRACTS.—The Secretary shall contract with each person participating in a program, and each such contract shall, in addition to including such other matters as the Secretary deems necessary and appropriate to effectively implement each program (including penalties for contract non-performance) be consistent with the framework and implementing regulations and all other applicable law.

''(5) REDUCTION AUCTIONS.—Each program not involving fair market assessment shall involve a reduction auction that scores the reduction price of each bid offer by the data relevant to each bidder under an appropriate fisheries productivity factor. If the Secretary accepts bids, the Secretary shall accept responsive bids in the rank order of their bid scores, starting with the bid whose reduction price is the lowest percentage of the productivity factor, and successively accepting each additional responsive bid in rank order until either there are no more responsive bids or acceptance of the next bid would cause the total value of bids accepted to exceed the amount of funds available for the program.

''(6) BID INVITATIONS.—Each program shall proceed by the Secretary issuing invitations to bid setting out the terms and conditions for participation consistent with the framework and implementing regulations. Each bid that the Secretary receives in response to the invitation to bid shall constitute an irrevocable offer from the bidder.''.

(b) TECHNICAL AMENDMENT.—Sections 116, 203, 204, 205, and 206 of the Sustainable Fisheries Act are deemed to have added sections 312, 402, 403, 404, and 405, respectively to the Act as of the date of enactment of the Sustainable Fisheries Act.

SEC. 113. REGIONAL COASTAL DISASTER ASSISTANCE, TRANSITION, AND RECOVERY PROGRAM.

(a) IN GENERAL.—Title III (16 U.S.C. 1851 et seq.) is amended by adding at the end the following:

''SEC. 315. REGIONAL COASTAL DISASTER ASSISTANCE, TRANSITION, AND RECOVERY PROGRAM.

''(a) IN GENERAL.—When there is a catastrophic regional fishery disaster the Secretary may, upon the request of, and in consultation with, the Governors of affected States, establish a regional economic transition program to provide immediate disaster relief assistance to the fishermen, charter fishing operators, United States fish processors, and owners of related fishery infrastructure affected by the disaster.

''(b) PROGRAM COMPONENTS.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the program shall provide funds or other economic assistance to affected entities, or to governmental entities for disbursement to affected entities, for—

''(A) meeting immediate regional shoreside fishery infrastructure needs, including processing facilities, cold storage facilities, ice houses, docks, including temporary docks and storage facilities, and other related shoreside fishery support facilities and infrastructure while ensuring that those projects will not result in an increase or replacement of fishing capacity;

''(B) financial assistance and job training assistance for fishermen who wish to remain in a fishery in the region that may be temporarily closed as a result of environmental or other effects associated with the disaster;

''(C) funding, pursuant to the requirements of section 312(b), to fishermen who are willing to scrap a fishing vessel and permanently surrender permits for fisheries named on that vessel; and

''(D) any other activities authorized under section 312 of this Act or section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)).

''(2) JOB TRAINING.—Any fisherman who decides to scrap a fishing vessel under the program shall be eligible for job training assistance.

''(3) STATE PARTICIPATION OBLIGATION.—The participation by a State in the program shall be conditioned upon a commitment by the appropriate State entity to ensure that the relevant State fishery meets the requirements of section 312(b) of this Act to ensure excess capacity does not re-enter the fishery.

''(4) NO MATCHING REQUIRED.—The Secretary may waive the matching requirements of section 312 of this Act, section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107), and any other provision of law under which the Federal share of the cost of any activity is limited to less than 100 percent if the Secretary determines that—

''(A) no reasonable means are available through which applicants can meet the matching requirement; and

''(B) the probable benefit of 100 percent Federal financing outweighs the public interest in imposition of the matching requirement.

''(5) NET REVENUE LIMIT INAPPLICABLE.—Section 308(d)(3) of the Interjurisdictional Fisheries Act (16 U.S.C. 4107(d)(3)) shall not apply to assistance under this section.

''(c) REGIONAL IMPACT EVALUATION.—Within 2 months after a catastrophic regional fishery disaster the Secretary shall provide the Governor of each State participating in the program a comprehensive economic and socio-economic evaluation of the affected region's fisheries to assist the Governor in assessing the current and future economic viability of affected fisheries, including the economic impact of foreign fish imports and the direct, indirect, or environmental impact of the disaster on the fishery and coastal communities.

''(c) CATASTROPHIC REGIONAL FISHERY DISASTER DEFINED.—In this section the term 'catastrophic regional fishery disaster' means a natural disaster, including a hurricane or tsunami, or a regulatory closure (including regulatory closures resulting from judicial action) to protect human health or the marine environment, that—

''(1) results in economic losses to coastal or fishing communities;

''(2) affects more than 1 State or a major fishery managed by a Council or interstate fishery commission; and

''(3) is determined by the Secretary to be a commercial fishery failure under section

312(a) of this Act or a fishery resource disaster or section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)).''.

(b) SALMON PLAN AND STUDY.—

(1) RECOVERY PLAN.—Not later than 6 months after the date of enactment of this Act, the Secretary of Commerce shall complete a recovery plan for Klamath River Coho salmon and make it available to the public.

(2) ANNUAL REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary of Commerce shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on—

(A) the actions taken under the recovery plan and other law relating to recovery of Klamath River Coho salmon, and how those actions are specifically contributing to its recovery;

(B) the progress made on the restoration of salmon spawning habitat, including water conditions as they relate to salmon health and recovery, with emphasis on the Klamath River and its tributaries below Iron Gate Dam;

(C) the status of other Klamath River anadromous fish populations, particularly Chinook salmon; and

(D) the actions taken by the Secretary to address the calendar year 2003 National Research Council recommendations regarding monitoring and research on Klamath River Basin salmon stocks.

(c) OREGON AND CALIFORNIA SALMON FISHERY.—Federally recognized Indian tribes and small businesses, including fishermen, fish processors, and related businesses serving the fishing industry, adversely affected by Federal closures and fishing restrictions in the Oregon and California 2006 fall Chinook salmon fishery are eligible to receive direct assistance under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) and section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)). The Secretary may use no more than 4 percent of any monetary assistance to pay for administrative costs.

SEC. 114. FISHERY FINANCE PROGRAM HURRICANE ASSISTANCE.

(a) LOAN ASSISTANCE.—Subject to availability of appropriations, the Secretary of Commerce shall provide assistance to eligible holders of fishery finance program loans and allocate such assistance among eligible holders based upon their outstanding principal balances as of December 2, 2005, for any of the following purposes:

(1) To defer principal payments on the debt for 1 year and re-amortize the debt over the remaining term of the loan.

(2) To allow for an extension of the term of the loan for up to 1 year beyond the remaining term of the loan, or September 30, 2013, whichever is later.

(3) To pay the interest costs for such loans over fiscal years 2007 through 2013, not to exceed amounts authorized under subsection (d).

(4) To provide opportunities for loan forgiveness, as specified in subsection (c).

(b) LOAN FORGIVENESS.—Upon application made by an eligible holder of a fishery finance program loan, made at such time, in such manner, and containing such information as the Secretary may require, the Secretary, on a calendar year basis beginning in 2005, may, with respect to uninsured losses—

(1) offset against the outstanding balance on the loan an amount equal to the sum of the amounts expended by the holder during the calendar year to repair or replace covered vessels or facilities, or to invest in new fisheries infrastructure within or for use within the declared fisheries disaster area; or

(2) cancel the amount of debt equal to 100 hundred percent of actual expenditures on eligible repairs, reinvestment, expansion, or new investment in fisheries infrastructure in the disaster region, or repairs to, or replacement of, eligible fishing vessels.

(c) DEFINITIONS.—In this section:

(1) DECLARED FISHERIES DISASTER AREA.—The term ''declared fisheries disaster area'' means fisheries located in the major disaster area designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Katrina or Hurricane Rita.

(2) ELIGIBLE HOLDER.—The term ''eligible holder'' means the holder of a fishery finance program loan if—

(A) that loan is used to guarantee or finance any fishing vessel or fish processing facility home-ported or located within the declared fisheries disaster area; and

(B) the holder makes expenditures to repair or replace such covered vessels or facilities, or invests in new fisheries infrastructure within or for use within the declared fisheries disaster area, to restore such facilities following the disaster.

(3) FISHERY FINANCE PROGRAM LOAN.—The term ''fishery finance program loan'' means a loan made or guaranteed under the fishery finance program under chapter 537 of title 46, United States Code.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the purposes of this section not more than $15,000,000 for each eligible holder for the period beginning with fiscal year 2007 through fiscal year 2013.

SEC. 115. FISHERIES HURRICANE ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Commerce shall establish an assistance program for the Gulf of Mexico commercial and recreational fishing industry.

(b) ALLOCATION OF FUNDS.—Under the program, the Secretary shall allocate funds appropriated to carry out the program among the States of Alabama, Louisiana, Florida, Mississippi, and Texas in proportion to the percentage of the fishery (including crawfish) catch landed by each State before August 29, 2005, except that the amount allocated to Florida shall be based exclusively on the proportion of such catch landed by the Florida Gulf Coast fishery.

(c) USE OF FUNDS.—Of the amounts made available to each State under the program—

(1) 2 percent shall be retained by the State to be used for the distribution of additional payments to fishermen with a demonstrated record of compliance with turtle excluder and bycatch reduction device regulations; and

(2) the remainder of the amounts shall be used for—

(A) personal assistance, with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs;

(B) assistance for small businesses, including fishermen, fish processors, and related businesses serving the fishing industry;

(C) domestic product marketing and seafood promotion;

(D) State seafood testing programs;

(E) the development of limited entry programs for the fishery;

(F) funding or other incentives to ensure widespread and proper use of turtle excluder devices and bycatch reduction devices in the fishery; and

(G) voluntary capacity reduction programs for shrimp fisheries under limited access programs.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce $17,500,000 for each of fiscal years 2007 through 2012 to carry out this section.

SEC. 116. BYCATCH REDUCTION ENGINEERING PROGRAM.

(a) IN GENERAL.—Title III (16 U.S.C. 1851 et seq.), as amended by section 113 of this Act, is further amended by adding at the end the following:

''SEC. 316. BYCATCH REDUCTION ENGINEERING PROGRAM.

''(a) BYCATCH REDUCTION ENGINEERING PROGRAM.—Not later than 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in cooperation with the Councils and other affected interests, and based upon the best scientific information available, shall establish a bycatch reduction program, including grants, to develop technological devices and other conservation engineering changes designed to minimize bycatch, seabird interactions, bycatch mortality, and post-release mortality in Federally managed fisheries. The program shall—

''(1) be regionally based;

''(2) be coordinated with projects conducted under the cooperative research and management program established under this Act;

''(3) provide information and outreach to fishery participants that will encourage adoption and use of technologies developed under the program; and

''(4) provide for routine consultation with the Councils in order to maximize opportunities to incorporate results of the program in Council actions and provide incentives for adoption of methods developed under the program in fishery management plans developed by the Councils.

''(b) INCENTIVES.—Any fishery management plan prepared by a Council or by the Secretary may establish a system of incentives to reduce total bycatch and seabird interactions, amounts, bycatch rates, and post-release mortality in fisheries under the Council's or Secretary's jurisdiction, including—

''(1) measures to incorporate bycatch into quotas, including the establishment of collective or individual bycatch quotas;

''(2) measures to promote the use of gear with verifiable and monitored low bycatch and seabird interactions, rates; and

''(3) measures that, based on the best scientific information available, will reduce bycatch and seabird interactions, bycatch mortality, post-release mortality, or regulatory discards in the fishery.

''(c) COORDINATION ON SEABIRD INTERACTIONS.—The Secretary, in coordination with the Secretary of Interior, is authorized to undertake projects in cooperation with industry to improve information and technology to reduce seabird bycatch, including—

''(1) outreach to industry on new technologies and methods;

''(2) projects to mitigate for seabird mortality; and

''(3) actions at appropriate international fishery organizations to reduce seabird interactions in fisheries.

''(d) REPORT.—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources that—

''(1) describes funding provided to implement this section;

''(2) describes developments in gear technology achieved under this section; and

''(3) describes improvements and reduction in bycatch and seabird interactions associated with implementing this section, as well as proposals to address remaining bycatch or seabird interaction problems.''.

(b) CDQ BYCATCH LIMITATIONS.—

(1) IN GENERAL.—Section 305(i) (16 U.S.C. 1855(i)) is amended—

(A) by striking ''directed fishing allocation'' and all that follows in paragraph (1)(B)(ii)(I), and inserting ''total allocation (directed and nontarget combined) of 10.7 percent effective January 1, 2008; and'';

(B) by striking ''directed fishing allocation of 10 percent.'' in paragraph (1)(B)(ii)(II) and inserting ''total allocation (directed and nontarget combined) of 10.7 percent.'';

(C) by inserting after paragraph (1)(B)(ii) the following:

''The total allocation (directed and nontarget combined) for a fishery to which subclause (I) or (II) applies may not be exceeded.''; and

(D) by inserting ''Voluntary transfers by and among eligible entities shall be allowed, whether before or after harvesting. Notwithstanding the first sentence of this subparagraph, seven-tenths of one percent of the total allowable catch, guideline harvest level, or other annual catch limit, within the amount allocated to the program by subclause (I) or subclause (II) of subparagraph (B)(ii), shall be allocated among the eligible entities by the panel established in subparagraph (G), or allocated by the Secretary based on the nontarget needs of eligible entities in the absence of a panel decision.'' after ''2006.'' in paragraph (1)(C) .

(2) EFFECTIVE DATE.—The allocation percentage in subclause (I) of section 305(i)(1)(B)(ii) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(1)(B)(ii)), as amended by paragraph (1) of this subsection, shall be in effect in 2007 with respect to any sector of a fishery to which such subclause applies and in which a fishing cooperative is established in 2007, and such sector's 2007 allocation shall be reduced by a pro rata amount to accomplish such increased allocation to the program. For purposes of section 305(i)(1) of that Act and of this subsection, the term ''fishing cooperative'' means a fishing cooperative whether or not authorized by a fishery management council or Federal agency, if a majority of the participants in the sector are participants in the fishing cooperative.

SEC. 117. COMMUNITY-BASED RESTORATION PROGRAM FOR FISHERY AND COASTAL HABITATS.

(a) IN GENERAL.—The Secretary of Commerce shall establish a community-based fishery and coastal habitat restoration program to implement and support the restoration of fishery and coastal habitats.

(b) AUTHORIZED ACTIVITIES.—In carrying out the program, the Secretary may—

(1) provide funding and technical expertise to fishery and coastal communities to assist them in restoring fishery and coastal habitat;

(2) advance the science and monitoring of coastal habitat restoration;

(3) transfer restoration technologies to the private sector, the public, and other governmental agencies;

(4) develop public-private partnerships to accomplish sound coastal restoration projects;

(5) promote significant community support and volunteer participation in fishery and coastal habitat restoration;

(6) promote stewardship of fishery and coastal habitats; and

(7) leverage resources through national, regional, and local public-private partnerships.

SEC. 118. PROHIBITED ACTS.

Section 307(1) (16 U.S.C. 1857(1)) is amended—

(1) by striking ''or'' after the semicolon in subparagraph (O);

(2) by striking ''carcass.'' in subparagraph (P) and inserting ''carcass;''; and

(3) by inserting after subparagraph (P) and before the last sentence the following:

''(Q) to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish taken, possessed, transported, or sold in violation of any foreign law or regulation; or

''(R) to use any fishing vessel to engage in fishing in Federal or State waters, or on the high seas or in the waters of another country, after the Secretary has made a payment to the owner of that fishing vessel under section 312(b)(2).''.

SEC. 119. SHARK FEEDING.

Title III (16 U.S.C. 1851 et seq.), as amended by section 116 of this Act, is further amended by adding at the end the following:

''SEC. 317. SHARK FEEDING.

''Except to the extent determined by the Secretary, or under State law, as presenting no public health hazard or safety risk, or when conducted as part of a research program funded in whole or in part by appropriated funds, it is unlawful to introduce, or attempt to introduce, food or any other substance into the water to attract sharks for any purpose other than to harvest sharks within the Exclusive Economic Zone seaward of the State of Hawaii and of the Commonwealths, territories, and possessions of the United States in the Pacific Ocean Area.''.

SEC. 120. CLARIFICATION OF FLEXIBILITY.

(a) IN GENERAL.—The Secretary of Commerce has the discretion under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) to extend the time for rebuilding the summer flounder fishery to not later than January 1, 2013, only if—

(1) the Secretary has determined that—

(A) overfishing is not occurring in the fishery and that a mechanism is in place to ensure overfishing does not occur in the fishery; and

(B) stock biomass levels are increasing;

(2) the biomass rebuilding target previously applicable to such stock will be met or exceeded within the new time for rebuilding;

(3) the extension period is based on the status and biology of the stock and the rate of rebuilding;

(4) monitoring will ensure rebuilding continues;

(5) the extension meets the requirements of section 301(a)(1) of that Act (16 U.S.C. 1851(a)(1)); and

(6) the best scientific information available shows that the extension will allow continued rebuilding.

(b) AUTHORITY.—Nothing in this section shall be construed to amend the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) or to limit or otherwise alter the authority of the Secretary under that Act concerning other species.

SEC. 121. SOUTHEAST ALASKA FISHERIES COMMUNITIES CAPACITY REDUCTION.

Section 209 of the Department of Commerce and Related Agencies Appropriations Act, 2005 (Pub. L. 108–447; 118 Stat. 2884) is amended—

(1) by inserting ''(a) IN GENERAL.—'' after ''SEC. 209.'';

(2) by striking ''is authorized to'' in the first sentence and inserting ''shall'';

(3) by striking ''$50,000,000'' and all that follows in the first sentence and inserting ''up to $25,000,000 pursuant to section 57735 of title 46, United States Code.'';

(4) by striking the third sentence and inserting: ''The loan shall have a term of 40 years.''; and

(5) by adding at the end the following:

''(b) SOUTHEAST ALASKA FISHERIES PROGRAM.—

''(1) CONDUCT OF PROGRAM BY RSA.—The program described in subsection (a) shall be conducted under Alaska law by the Southeast Revitalization Association.

''(2) TREATMENT UNDER CHAPTER 577 OF TITLE 46.—For purposes of section 57735 of title 46, United States Code, the program shall be considered to be a program established under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a).

''(3) APPLICATION OF MAGNUSON-STEVENS ACT.—Notwithstanding paragraph (2), the program shall not be subject to section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a), except for subsections (b)(1)(C) and (d) of that section.

''(c) SOUTHEAST ALASKA FISHERIES PROGRAM APPROVAL AND REFERENDUM.—

''(1) IN GENERAL.—The Secretary of Commerce may approve a capacity reduction plan submitted by the Southeast Revitalization Association under subsection (b).

''(2) REFERENDUM.—The Secretary shall conduct an industry fee system referendum for the buyback under the program in accordance with section 312(d)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a), except that—

''(A) no Council request and no consultation shall be required; and

''(B) the fee shall not exceed 3 percent of the annual ex-vessel value of all salmon harvested in the southeast Alaska purse seine fishery.

''(d) DISBURSAL OF LOAN PROCEEDS.—If the industry fee system is approved as provided in section 312(d)(1)(B) of that Act (16 U.S.C. 1861a(d)(1)(B)), the Secretary shall disburse the loan in the form of reduction payments to participants in such amounts as the Southeast Revitalization Association certifies to have been accepted under Alaska law for reduction payments. The Secretary shall thereafter administer the fee system in accordance with section 312(d)(2) of that Act (16 U.S.C. 1861a(d)(2)), and any person paying or collecting the fee shall make such payments or collection such fees in accordance with the requirements of that Act (16 U.S.C. 1801 et seq.)''.

SEC. 122. CONVERSION TO CATCHER/PROCESSOR SHARES.

(a) IN GENERAL.—

(1) AMENDMENT OF PLAN.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall amend the fishery management plan for the Bering Sea/Aleutian Islands King and Tanner Crabs for the Northern Region (as that term is used in the plan) to authorize—

(A) an eligible entity holding processor quota shares to elect on an annual basis to work together with other entities holding processor quota shares and affiliated with such eligible entity through common ownership to combine any catcher vessel quota shares for the Northern Region with their processor quota shares and to exchange them for newly created catcher/processor owner quota shares for the Northern Region; and

(B) an eligible entity holding catcher vessel quota shares to elect on an annual basis to work together with other entities holding catcher vessel quota shares and affiliated with such eligible entity through common ownership to combine any processor quota shares for the Northern Region with their catcher vessel quota shares and to exchange them for newly created catcher/processor owner quota shares for the Northern Region.

(2) ELIGIBILITY AND LIMITATIONS.—

(A) The authority provided in paragraph (1)(A) shall—

(i)(I) apply only to an entity which was initially awarded both catcher/processor owner quota shares, and processor quota shares under the plan (in combination with the processor quota shares of its commonly

owned affiliates) of less than 7 percent of the Bering Sea/Aleutian Island processor quota shares; or

(II) apply only to an entity which was initially awarded both catcher/processor owner quota shares under the plan and processor quota shares under section 417(a) of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241; 120 Stat. 546);

(ii) be limited to processor quota shares initially awarded to such entities and their commonly owned affiliates under the plan or section 417(a) of that Act; and

(iii) shall not exceed 1 million pounds per entity during any calendar year.

(B) The authority provided in paragraph (1)(B) shall—

(i) apply only to an entity which was initially awarded both catcher/processor owner quota shares, and processor quota shares under the plan (in combination with the processor quota shares of its commonly owned affiliates) of more than 7 percent of the Bering Sea/Aleutian Island processor quota shares;

(ii) be limited to catcher vessel quota shares initially awarded to such entity and its commonly owned affiliates; and

(iii) shall not exceed 1 million pounds per entity during any calendar year.

(3) EXCHANGE RATE.—The entities referred to in paragraph (1) shall receive under the amendment 1 unit of newly created catcher/processor owner quota shares in exchange for 1 unit of catcher vessel owner quota shares and 0.9 units of processor quota shares.

(4) AREA OF VALIDITY.—Each unit of newly created catcher/processor owner quota shares under this subsection shall only be valid for the Northern Region.

(b) FEES.—

(1) LOCAL FEES.—The holder of the newly created catcher/processor owner quota shares under subsection (a) shall pay a fee of 5 percent of the ex-vessel value of the crab harvested pursuant to those shares to any local governmental entities in the Northern Region if the processor quota shares used to produce those newly created catcher/processor owner quota shares were originally derived from the processing activities that occurred in a community under the jurisdiction of those local governmental entities.

(2) STATE FEE.—The State of Alaska may collect from the holder of the newly created catcher/processor owner quota shares under subsection (a) a fee of 1 percent of the ex-vessel value of the crab harvested pursuant to those shares.

(c) OFF-LOADING REQUIREMENT.—Crab harvested pursuant to catcher/processor owner quota shares created under this subsection shall be off-loaded in those communities receiving the local governmental entities fee revenue set forth in subsection (b)(1).

(d) PERIODIC COUNCIL REVIEW.—As part of its periodic review of the plan, the North Pacific Fishery Management Council may review the effect, if any, of this subsection upon communities in the Northern Region. If the Council determines that this section adversely affects the communities, the Council may recommend to the Secretary of Commerce, and the Secretary may approve, such changes to the plan as are necessary to mitigate those adverse effects.

(e) USE CAPS.—

(1) IN GENERAL.—Notwithstanding sections 680.42(b)(ii)(2) and 680.7(a)(ii)(7) of title 50, Code of Federal Regulations, custom processing arrangements shall not count against any use cap for the processing of opilio crab in the Northern Region so long as such crab is processed in the Northern Region by a shore-based crab processor.

(2) SHORE-BASED CRAB PROCESSOR DEFINED.—In this paragraph, the term ''shore-based crab processor'' means any person or vessel that receives, purchases, or arranges to purchase unprocessed crab, that is located on shore or moored within the harbor.

TITLE II—INFORMATION AND RESEARCH

SEC. 201. RECREATIONAL FISHERIES INFORMATION.

Section 401 (16 U.S.C. 1881) is amended by striking subsection (g) and inserting the following:

''(g) RECREATIONAL FISHERIES.—

''(1) FEDERAL PROGRAM.—The Secretary shall establish and implement a regionally based registry program for recreational fishermen in each of the 8 fishery management regions. The program, which shall not require a fee before January 1, 2011, shall provide for—

''(A) the registration (including identification and contact information) of individuals who engage in recreational fishing—

''(i) in the Exclusive Economic Zone;

''(ii) for anadromous species; or

''(iii) for Continental Shelf fishery resources beyond the Exclusive Economic Zone; and

''(B) if appropriate, the registration (including the ownership, operator, and identification of the vessel) of vessels used in such fishing.

''(2) STATE PROGRAMS.—The Secretary shall exempt from registration under the program recreational fishermen and charter fishing vessels licensed, permitted, or registered under the laws of a State if the Secretary determines that information from the State program is suitable for the Secretary's use or is used to assist in completing marine recreational fisheries statistical surveys, or evaluating the effects of proposed conservation and management measures for marine recreational fisheries.

''(3) DATA COLLECTION.—

''(A) IMPROVEMENT OF THE MARINE RECREATIONAL FISHERY STATISTICS SURVEY.—Within 24 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with representatives of the recreational fishing industry and experts in statistics, technology, and other appropriate fields, shall establish a program to improve the quality and accuracy of information generated by the Marine Recreational Fishery Statistics Survey, with a goal of achieving acceptable accuracy and utility for each individual fishery.

''(B) NRC REPORT RECOMMENDATIONS.—The program shall take into consideration and, to the extent feasible, implement the recommendations of the National Research Council in its report Review of Recreational Fisheries Survey Methods (2006), including—

''(i) redesigning the Survey to improve the effectiveness and appropriateness of sampling and estimation procedures, its applicability to various kinds of management decisions, and its usefulness for social and economic analyses; and

''(ii) providing for ongoing technical evaluation and modification as needed to meet emerging management needs.

''(C) METHODOLOGY.—Unless the Secretary determines that alternate methods will achieve this goal more efficiently and effectively, the program shall, to the extent possible, include—

''(i) an adequate number of intercepts to accurately estimate recreational catch and effort;

''(ii) use of surveys that target anglers registered or licensed at the State or Federal level to collect participation and effort data;

''(iii) collection and analysis of vessel trip report data from charter fishing vessels;

''(iv) development of a weather corrective factor that can be applied to recreational catch and effort estimates; and

''(v) an independent committee composed of recreational fishermen, academics, persons with expertise in stock assessments and survey design, and appropriate personnel from the National Marine Fisheries Service to review the collection estimates, geographic, and other variables related to dockside intercepts and to identify deficiencies in recreational data collection, and possible correction measures.

''(D) DEADLINE.—The Secretary shall complete the program under this paragraph and implement the improved Marine Recreational Fishery Statistics Survey not later than January 1, 2009.

''(4) REPORT.—Within 24 months after establishment of the program, the Secretary shall submit a report to Congress that describes the progress made toward achieving the goals and objectives of the program.''.

SEC. 202. COLLECTION OF INFORMATION.

Section 402(a) (16 U.S.C. 1881a(a)) is amended—

(1) by striking ''(a) COUNCIL REQUESTS.—'' in the subsection heading and inserting ''(a) COLLECTION PROGRAMS.—'';

(2) by resetting the text following ''(a) COLLECTION PROGRAMS.—'' as a new paragraph 2 ems from the left margin;

(3) by inserting ''(1) COUNCIL REQUESTS.—'' before ''If a Council'';

(4) by striking ''subsection'' in the last sentence and inserting ''paragraph'';

(5) by striking ''(other than information that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations)'' each place it appears; and

(6) by adding at the end the following:

''(2) SECRETARIAL INITIATION.—If the Secretary determines that additional information is necessary for developing, implementing, revising, or monitoring a fishery management plan, or for determining whether a fishery is in need of management, the Secretary may, by regulation, implement an information collection or observer program requiring submission of such additional information for the fishery.''.

SEC. 203. ACCESS TO CERTAIN INFORMATION.

(a) IN GENERAL.—Section 402(b) (16 U.S.C. 1881a(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (3) and resetting it 2 ems from the left margin;

(2) by striking all preceding paragraph (3), as redesignated, and inserting the following:

''(b) CONFIDENTIALITY OF INFORMATION.—

''(1) Any information submitted to the Secretary, a State fishery management agency, or a marine fisheries commission by any person in compliance with the requirements of this Act shall be confidential and shall not be disclosed except—

''(A) to Federal employees and Council employees who are responsible for fishery management plan development, monitoring, or enforcement;

''(B) to State or Marine Fisheries Commission employees as necessary to further the Department's mission, subject to a confidentiality agreement that prohibits public disclosure of the identity of business of any person;

''(C) to State employees who are responsible for fishery management plan enforcement, if the States employing those employees have entered into a fishery enforcement agreement with the Secretary and the agreement is in effect;

''(D) when required by court order;

''(E) when such information is used by State, Council, or Marine Fisheries Commission employees to verify catch under a limited access program, but only to the extent that such use is consistent with subparagraph (B);

''(F) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act;

''(G) when such information is required to be submitted to the Secretary for any determination under a limited access program; or

''(H) in support of homeland and national security activities, including the Coast Guard's homeland security missions as defined in section 888(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 468(a)(2)).

''(2) Any observer information shall be confidential and shall not be disclosed, except in accordance with the requirements of subparagraphs (A) through (H) of paragraph (1), or—

''(A) as authorized by a fishery management plan or regulations under the authority of the North Pacific Council to allow disclosure to the public of weekly summary bycatch information identified by vessel or for haul-specific bycatch information without vessel identification;

''(B) when such information is necessary in proceedings to adjudicate observer certifications; or

''(C) as authorized by any regulations issued under paragraph (3) allowing the collection of observer information, pursuant to a confidentiality agreement between the observers, observer employers, and the Secretary prohibiting disclosure of the information by the observers or observer employers, in order—

''(i) to allow the sharing of observer information among observers and between observers and observer employers as necessary to train and prepare observers for deployments on specific vessels; or

''(ii) to validate the accuracy of the observer information collected.''; and

(3) by striking ''(1)(E).'' in paragraph (3), as redesignated, and inserting ''(2)(A).''.

(b) CONFORMING AMENDMENT.—Section 404(c)(4) (16 U.S.C. 1881c(c)(4)) is amended by striking ''under section 401''.

SEC. 204. COOPERATIVE RESEARCH AND MANAGEMENT PROGRAM.

Title III (16 U.S.C. 1851 et seq.), as amended by section 119 of this Act, is further amended by adding at the end the following:

''SEC. 318. COOPERATIVE RESEARCH AND MANAGEMENT PROGRAM.

''(a) IN GENERAL.—The Secretary of Commerce, in consultation with the Councils, shall establish a cooperative research and management program to address needs identified under this Act and under any other marine resource laws enforced by the Secretary. The program shall be implemented on a regional basis and shall be developed and conducted through partnerships among Federal, State, and Tribal managers and scientists (including interstate fishery commissions), fishing industry participants (including use of commercial charter or recreational vessels for gathering data), and educational institutions.

''(b) ELIGIBLE PROJECTS.—The Secretary shall make funds available under the program for the support of projects to address critical needs identified by the Councils in consultation with the Secretary. The program shall promote and encourage efforts to utilize sources of data maintained by other Federal agencies, State agencies, or academia for use in such projects.

''(c) FUNDING.—In making funds available the Secretary shall award funding on a competitive basis and based on regional fishery management needs, select programs that form part of a coherent program of research focused on solving priority issues identified by the Councils, and shall give priority to the following projects:

''(1) Projects to collect data to improve, supplement, or enhance stock assessments, including the use of fishing vessels or acoustic or other marine technology.

''(2) Projects to assess the amount and type of bycatch or post-release mortality occurring in a fishery.

''(3) Conservation engineering projects designed to reduce bycatch, including avoidance of post-release mortality, reduction of bycatch in high seas fisheries, and transfer of such fishing technologies to other nations.

''(4) Projects for the identification of habitat areas of particular concern and for habitat conservation.

''(5) Projects designed to collect and compile economic and social data.

''(d) EXPERIMENTAL PERMITTING PROCESS.—Not later than 180 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils, shall promulgate regulations that create an expedited, uniform, and regionally-based process to promote issuance, where practicable, of experimental fishing permits.

''(e) GUIDELINES.—The Secretary, in consultation with the Councils, shall establish guidelines to ensure that participation in a research project funded under this section does not result in loss of a participant's catch history or unexpended days-at-sea as part of a limited entry system.

''(f) EXEMPTED PROJECTS.—The procedures of this section shall not apply to research funded by quota set-asides in a fishery.''.

SEC. 205. HERRING STUDY.

Title III (16 U.S.C. 1851 et seq.), as amended by section 204, is further amended by adding at the end the following:

''SEC. 319. HERRING STUDY.

''(a) IN GENERAL.—The Secretary may conduct a cooperative research program to study the issues of abundance, distribution and the role of herring as forage fish for other commercially important fish stocks in the Northwest Atlantic, and the potential for local scale depletion from herring harvesting and how it relates to other fisheries in the Northwest Atlantic. In planning, designing, and implementing this program, the Secretary shall engage multiple fisheries sectors and stakeholder groups concerned with herring management.

''(b) REPORT.—The Secretary shall present the final results of this study to Congress within 3 months following the completion of the study, and an interim report at the end of fiscal year 2008.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for fiscal year 2007 through fiscal year 2009 to conduct this study.''.

SEC. 206. RESTORATION STUDY.

Title III (16 U.S.C. 1851 et seq.), as amended by section 205, is further amended by adding at the end the following:

''SEC. 320. RESTORATION STUDY.

''(a) IN GENERAL.—The Secretary may conduct a study to update scientific information and protocols needed to improve restoration techniques for a variety of coast habitat types and synthesize the results in a format easily understandable by restoration practitioners and local communities.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 for fiscal year 2007 to conduct this study.''.

SEC. 207. WESTERN PACIFIC FISHERY DEMONSTRATION PROJECTS.

Section 111(b) of the Sustainable Fisheries Act (16 U.S.C. 1855 note) is amended—

(1) by striking ''and the Secretary of the Interior are'' in paragraph (1) and inserting ''is'';

(2) by striking ''not less than three and not more than five'' in paragraph (1); and

(3) by striking paragraph (6) and inserting the following:

''(6) In this subsection the term 'Western Pacific community' means a community eligible to participate under section 305(i)(2)(B)(i) through (iv) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(2)(B)(i) through (iv)).''.

SEC. 208. FISHERIES CONSERVATION AND MANAGEMENT FUND.

(a) IN GENERAL.—The Secretary shall establish and maintain a fund, to be known as the ''Fisheries Conservation and Management Fund'', which shall consist of amounts retained and deposited into the Fund under subsection (c).

(b) PURPOSES.—Subject to the allocation of funds described in subsection (d), amounts in the Fund shall be available to the Secretary of Commerce, without appropriation or fiscal year limitation, to disburse as described in subsection (e) for—

(1) efforts to improve fishery harvest data collection including—

(A) expanding the use of electronic catch reporting programs and technology; and

(B) improvement of monitoring and observer coverage through the expanded use of electronic monitoring devices and satellite tracking systems such as VMS on small vessels;

(2) cooperative fishery research and analysis, in collaboration with fishery participants, academic institutions, community residents, and other interested parties;

(3) development of methods or new technologies to improve the quality, health safety, and value of fish landed;

(4) conducting analysis of fish and seafood for health benefits and risks, including levels of contaminants and, where feasible, the source of such contaminants;

(5) marketing of sustainable United States fishery products, including consumer education regarding the health or other benefits of wild fishery products harvested by vessels of the United States;

(6) improving data collection under the Marine Recreational Fishery Statistics Survey in accordance with section 401(g)(3) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881(g)(3)); and

(7) providing financial assistance to fishermen to offset the costs of modifying fishing practices and gear to meet the requirements of this Act, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and other Federal laws in pari materia.

(c) DEPOSITS TO THE FUND.—

(1) QUOTA SET-ASIDES.—Any amount generated through quota set-asides established by a Council under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and designated by the Council for inclusion in the Fishery Conservation and Management Fund, may be deposited in the Fund.

(2) OTHER FUNDS.—In addition to amounts received pursuant to paragraph (1) of this subsection, the Fishery Conservation and Management Fund may also receive funds from—

(A) appropriations for the purposes of this section; and

(B) States or other public sources or private or non-profit organizations for purposes of this section.

(d) REGIONAL ALLOCATION.—The Secretary shall, every 2 years, apportion monies from the Fund among the eight Council regions according to recommendations of the Councils, based on regional priorities identified through the Council process, except that no

region shall receive less than 5 percent of the Fund in each allocation period.

(e) LIMITATION ON THE USE OF THE FUND.—No amount made available from the Fund may be used to defray the costs of carrying out requirements of this Act or the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) other than those uses identified in this section.

SEC. 209. USE OF FISHERY FINANCE PROGRAM FOR SUSTAINABLE PURPOSES.

Section 53706(a)(7) of title 46, United States Code, is amended to read as follows:

''(7) Financing or refinancing—

''(A) the purchase of individual fishing quotas in accordance with section 303(d)(4) of the Magnuson-Stevens Fishery Conservation and Management Act (including the reimbursement of obligors for expenditures previously made for such a purchase) ;

''(B) activities that assist in the transition to reduced fishing capacity; or

''(C) technologies or upgrades designed to improve collection and reporting of fishery-dependent data, to reduce bycatch, to improve selectivity or reduce adverse impacts of fishing gear, or to improve safety.''.

SEC. 210. REGIONAL ECOSYSTEM RESEARCH.

Section 406 (16 U.S.C. 1882) is amended by adding at the end the following:

''(f) REGIONAL ECOSYSTEM RESEARCH.—

''(1) STUDY.—Within 180 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils, shall undertake and complete a study on the state of the science for advancing the concepts and integration of ecosystem considerations in regional fishery management. The study should build upon the recommendations of the advisory panel and include—

''(A) recommendations for scientific data, information and technology requirements for understanding ecosystem processes, and methods for integrating such information from a variety of federal, state, and regional sources;

''(B) recommendations for processes for incorporating broad stake holder participation;

''(C) recommendations for processes to account for effects of environmental variation on fish stocks and fisheries; and

''(D) a description of existing and developing council efforts to implement ecosystem approaches, including lessons learned by the councils.

''(2) AGENCY TECHNICAL ADVICE AND ASSISTANCE, REGIONAL PILOT PROGRAMS.—The Secretary is authorized to provide necessary technical advice and assistance, including grants, to the Councils for the development and design of regional pilot programs that build upon the recommendations of the advisory panel and, when completed, the study.''.

SEC. 211. DEEP SEA CORAL RESEARCH AND TECHNOLOGY PROGRAM.

Title IV (16 U.S.C. 1881 et seq.) is amended by adding at the end the following:

''SEC. 408. DEEP SEA CORAL RESEARCH AND TECHNOLOGY PROGRAM.

''(a) IN GENERAL.—The Secretary, in consultation with appropriate regional fishery management councils and in coordination with other federal agencies and educational institutions, shall, subject to the availability of appropriations, establish a program—

''(1) to identify existing research on, and known locations of, deep sea corals and submit such information to the appropriate Councils;

''(2) to locate and map locations of deep sea corals and submit such information to the Councils;

''(3) to monitor activity in locations where deep sea corals are known or likely to occur, based on best scientific information available, including through underwater or remote sensing technologies and submit such information to the appropriate Councils;

''(4) to conduct research, including cooperative research with fishing industry participants, on deep sea corals and related species, and on survey methods;

''(5) to develop technologies or methods designed to assist fishing industry participants in reducing interactions between fishing gear and deep sea corals; and

''(6) to prioritize program activities in areas where deep sea corals are known to occur, and in areas where scientific modeling or other methods predict deep sea corals are likely to be present.

''(b) REPORTING.—Beginning 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary, in consultation with the Councils, shall submit biennial reports to Congress and the public on steps taken by the Secretary to identify, monitor, and protect deep sea coral areas, including summaries of the results of mapping, research, and data collection performed under the program.''.

SEC. 212. IMPACT OF TURTLE EXCLUDER DEVICES ON SHRIMPING.

(a) IN GENERAL.—The Undersecretary of Commerce for Oceans and Atmosphere shall execute an agreement with the National Academy of Sciences to conduct, jointly, a multi-year, comprehensive in-water study designed—

(1) to measure accurately the efforts and effects of shrimp fishery efforts to utilize turtle excluder devices;

(2) to analyze the impact of those efforts on sea turtle mortality, including interaction between turtles and shrimp trawlers in the inshore, nearshore, and offshore waters of the Gulf of Mexico and similar geographical locations in the waters of the Southeastern United States; and

(3) to evaluate innovative technologies to increase shrimp retention in turtle excluder devices while ensuring the protection of endangered and threatened sea turtles.

(b) OBSERVERS.—In conducting the study, the Undersecretary shall ensure that observers are placed onboard commercial shrimp fishing vessels where appropriate or necessary.

(c) INTERIM REPORTS.—During the course of the study and until a final report is submitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources, the National Academy of Sciences shall transmit interim reports to the Committees biannually containing a summary of preliminary findings and conclusions from the study.

SEC. 213. HURRICANE EFFECTS ON COMMERCIAL AND RECREATION FISHERY HABITATS.

(a) FISHERIES REPORT.—Within 180 days after the date of enactment of this Act, the Secretary of Commerce shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the impact of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on—

(1) commercial and recreational fisheries in the States of Alabama, Louisiana, Florida, Mississippi, and Texas;

(2) shrimp fishing vessels in those States; and

(3) the oyster industry in those States.

(b) HABITAT REPORT.—Within 180 days after the date of enactment of this Act, the Secretary of Commerce shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the impact of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on habitat, including the habitat of shrimp and oysters in those States.

(c) HABITAT RESTORATION.—The Secretary shall carry out activities to restore fishery habitats, including the shrimp and oyster habitats in Louisiana and Mississippi.

SEC. 214. NORTH PACIFIC FISHERIES CONVENTION.

Section 313 (16 U.S.C. 1862) is amended—

(1) by striking ''all fisheries under the Council's jurisdiction except salmon fisheries'' in subsection (a) and inserting ''any fishery under the Council's jurisdiction except a salmon fishery'';

(2) by striking subsection (a)(2) and inserting the following:

''(2) establishes a system, or system, of fees, which may vary by fishery, management area, or observer coverage level, to pay for the cost of implementing the plan.'';

(3) by striking ''observers'' in subsection (b)(2)(A) and inserting ''observers, or electronic monitoring systems,'';

(4) by inserting ''a fixed amount reflecting actual observer costs as described in subparagraph (A) or'' in subsection (b)(2)(E) after ''expressed as'';

(5) by inserting ''some or'' in subsection (b)(2)(F) after ''against'';

(6) by inserting ''or an electronic monitoring system'' after ''observer'' in subsection (b)(2)(F);

(7) by striking ''and'' after the semicolon in subsection (b)(2)(H); and

(8) by redesignating subparagraph (I) of subsection (b)(2) as subparagraph (J) and inserting after subparagraph (H) the following:

''(I) provide that fees collected will be credited against any fee for stationing observers or electronic monitoring systems on board fishing vessels and United States fish processors and the actual cost of inputting collected data to which a fishing vessel or fish processor is subject under section 304(d) of this Act; and''.

SEC. 215. NEW ENGLAND GROUNDFISH FISHERY.

(a) REVIEW.—The Secretary of Commerce shall conduct a unique, thorough examination of the potential impact on all affected and interested parties of Framework 42 to the Northeast Multispecies Fishery Management Plan.

(b) REPORT.—The Secretary shall report the Secretary's findings under subsection (a) within 30 days after the date of enactment of this Act. The Secretary shall include in the report a detailed discussion of each of the following:

(1) The economic and social implications for affected parties within the fishery, including potential losses to infrastructure, expected from the imposition of Framework 42.

(2) The estimated average annual income generated by fishermen in New England, separated by State and vessel size, and the estimated annual income expected after the imposition of Framework 42.

(3) Whether the differential days-at-sea counting imposed by Framework 42 would result in a reduction in the number of small vessels actively participating in the New England Fishery.

(4) The percentage and approximate number of vessels in the New England fishery, separated by State and vessel type, that are incapable of fishing outside the areas designated in Framework 42 for differential days-at-sea counting.

(5) The percentage of the annual groundfish catch in the New England fishery that is harvested by small vessels.

(6) The current monetary value of groundfish permits in the New England fishery and

the actual impact that the potential imposition of Framework 42 is having on such value.

(7) Whether permitting days-at-sea to be leased is altering the market value for groundfish permits or days-at-sea in New England.

(8) Whether there is a substantially high probability that the biomass targets used as a basis for Amendment 13 remain achievable.

(9) An identification of the year in which the biomass targets used as a basis for Amendment 13 were last evident or achieved, and the evidence used to determine such date.

(10) Any separate or non-fishing factors, including environmental factors, that may be leading to a slower rebuilding of groundfish than previously anticipated.

(11) The potential harm to the non-fishing environment and ecosystem from the reduction in fishing resulting from Framework 42 and the potential redevelopment of the coastal land for other purposes, including potential for increases in non-point source of pollution and other impacts.

SEC. 216. REPORT ON COUNCIL MANAGEMENT COORDINATION.

The Mid-Atlantic Fishery Council, in consultation with the New England Fishery Council, shall submit a report to the Senate Committee on Commerce, Science, and Transportation within 9 months after the date of enactment of this Act—

(1) describing the role of council liaisons between the Mid-Atlantic and New England Councils, including an explanation of council policies regarding the liaison's role in Council decision-making since 1996;

(2) describing how management actions are taken regarding the operational aspects of current joint fishery management plans, and how such joint plans may undergo changes through amendment or framework processes;

(3) evaluating the role of the New England Fishery Council and the Mid-Atlantic Fishery Council liaisons in the development and approval of management plans for fisheries in which the liaisons or members of the non-controlling Council have a demonstrated interest and significant current and historical landings of species managed by either Council;

(4) evaluating the effectiveness of the various approaches developed by the Councils to improve representation for affected members of the non-controlling Council in Council decision-making, such as use of liaisons, joint management plans, and other policies, taking into account both the procedural and conservation requirements of the Magnuson-Stevens Fishery Conservation and Management Act; and

(5) analyzing characteristics of North Carolina and Florida that supported their inclusion as voting members of more than one Council and the extent to which those characteristics support Rhode Island's inclusion on a second Council (the Mid-Atlantic Council).

SEC. 217. STUDY OF SHORTAGE IN THE NUMBER OF INDIVIDUALS WITH POST- BACCALAUREATE DEGREES IN SUBJECTS RELATED TO FISHERY SCIENCE.

(a) IN GENERAL.—The Secretary of Commerce and the Secretary of Education shall collaborate to conduct a study of—

(1) whether there is a shortage in the number of individuals with post-baccalaureate degrees in subjects related to fishery science, including fishery oceanography, fishery ecology, and fishery anthropology, who have the ability to conduct high quality scientific research in fishery stock assessment, fishery population dynamics, and related fields, for government, non-profit, and private sector entities;

(2) what Federal programs are available to help facilitate the education of students hoping to pursue these degrees; and

(3) what institutions of higher education, the private sector, and the Congress could do to try to increase the number of individuals with such post-baccalaureate degrees.

(b) REPORT—.Not later than 8 months after the date of enactment of this Act, the Secretaries of Commerce and Education shall transmit a report to each committee of Congress with jurisdiction over the programs referred to in subsection (a), detailing the findings and recommendations of the study under this section.

SEC. 218. GULF OF ALASKA ROCKFISH DEMONSTRATION PROGRAM.

Section 802 of Public Law 108-199 (118 Stat. 110) is amended by striking ''2 years'' and inserting ''5 years''.

TITLE III—OTHER FISHERIES STATUTES

SEC. 301. AMENDMENTS TO NORTHERN PACIFIC HALIBUT ACT.

(a) CIVIL PENALTIES.—Section 8(a) of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773f(a)) is amended—

(1) by striking ''$25,000'' and inserting ''$200,000'';

(2) by striking ''violation, the degree of culpability, and history of prior offenses, ability to pay,'' in the fifth sentence and inserting ''violator, the degree of culpability, any history of prior offenses,''; and

(3) by adding at the end the following: ''In assessing such penalty, the Secretary may also consider any information provided by the violator relating to the ability of the violator to pay if the information is provided to the Secretary at least 30 days prior to an administrative hearing.''.

(b) PERMIT SANCTIONS.—Section 8 of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773f) is amended by adding at the end the following:

''(e) REVOCATION OR SUSPENSION OF PERMIT.—

''(1) IN GENERAL.—The Secretary may take any action described in paragraph (2) in any case in which—

''(A) a vessel has been used in the commission of any act prohibited under section 7;

''(B) the owner or operator of a vessel or any other person who has been issued or has applied for a permit under this Act has acted in violation of section 7; or

''(C) any amount in settlement of a civil forfeiture imposed on a vessel or other property, or any civil penalty or criminal fine imposed on a vessel or owner or operator of a vessel or any other person who has been issued or has applied for a permit under any marine resource law enforced by the Secretary has not been paid and is overdue.

''(2) PERMIT-RELATED ACTIONS.—Under the circumstances described in paragraph (1) the Secretary may—

''(A) revoke any permit issued with respect to such vessel or person, with or without prejudice to the issuance of subsequent permits;

''(B) suspend such permit for a period of time considered by the Secretary to be appropriate;

''(C) deny such permit; or

''(D) impose additional conditions and restrictions on any permit issued to or applied for by such vessel or person under this Act and, with respect to any foreign fishing vessel, on the approved application of the foreign nation involved and on any permit issued under that application.

''(3) FACTORS TO BE CONSIDERED.—In imposing a sanction under this subsection, the Secretary shall take into account—

''(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

''(B) with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

''(4) TRANSFERS OF OWNERSHIP.—Transfer of ownership of a vessel, a permit, or any interest in a permit, by sale or otherwise, shall not extinguish any permit sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, permit, or interest in a permit, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any permit sanction that will be in effect or pending with respect to the vessel, permit, or interest at the time of the transfer.

''(5) REINSTATEMENT.—In the case of any permit that is suspended under this subsection for nonpayment of a civil penalty, criminal fine, or any amount in settlement of a civil forfeiture, the Secretary shall reinstate the permit upon payment of the penalty, fine, or settlement amount and interest thereon at the prevailing rate.

''(6) HEARING.—No sanction shall be imposed under this subsection unless there has been prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed either in conjunction with a civil penalty proceeding under this section or otherwise.

''(7) PERMIT DEFINED.—In this subsection, the term 'permit' means any license, certificate, approval, registration, charter, membership, exemption, or other form of permission issued by the Commission or the Secretary, and includes any quota share or other transferable quota issued by the Secretary.''.

(c) CRIMINAL PENALTIES.—Section 9(b) of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773g(b)) is amended—

(1) by striking ''$50,000'' and inserting ''$200,000''; and

(2) by striking ''$100,000,'' and inserting ''$400,000,''.

SEC. 302. REAUTHORIZATION OF OTHER FISHERIES ACTS.

(a) ATLANTIC STRIPED BASS CONSERVATION ACT.—Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 5156(a)) is amended to read as follows:

''(a) AUTHORIZATION.—For each of fiscal years 2007, 2008, 2009, 2010, 2011, there are authorized to be appropriated to carry out this Act—

''(1) $1,000,000 to the Secretary of Commerce; and

''(2) $250,000 to the Secretary of the Interior.''.

(b) YUKON RIVER SALMON ACT OF 2000.—Section 208 of the Yukon River Salmon Act of 2000 (16 U.S.C. 5727) is amended by striking ''$4,000,000 for each of fiscal years 2004 through 2008,'' and inserting ''$4,000,000 for each of fiscal years 2007 through 2011''.

(c) SHARK FINNING PROHIBITION ACT.—Section 10 of the Shark Finning Prohibition Act (16 U.S.C. 1822 note) is amended by striking ''fiscal years 2001 through 2005'' and inserting ''fiscal years 2007 through 2011''.

(d) PACIFIC SALMON TREATY ACT.—

(1) TRANSFER OF SECTION TO ACT.—The text of section 623 of title VI of H.R. 3421 (113 Stat. 1501A–56), as introduced on November 17, 1999, enacted into law by section 1000(a)(1) of the Act of November 29, 1999 (Public Law 106–113), and amended by Public Law 106–533 (114 Stat. 2762A-108)—

(A) is transferred to the Pacific Salmon Treaty Act (16 U.S.C. 3631 et seq.) and inserted after section 15; and

(B) amended—

(i) by striking ''SEC. 623.''; and

(ii) inserting before ''(a) NORTHERN FUND AND SOUTHERN FUND.—'' the following:

"SEC. 16. NORTHERN AND SOUTHERN FUNDS; TREATY IMPLEMENTATION; ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.".

(2) REAUTHORIZATION.—Section 16(d)(2)(A) of the Pacific Salmon Treaty Act, as transferred by paragraph (1), is amended—

(1) by inserting ''sustainable salmon fisheries,'' after ''enhancement,'';

(2) by inserting ''2005, 2006, 2007, 2008, and 2009,'' after ''2003,''; and

(3) by inserting ''Idaho,'' after ''Oregon,''.

(e) STATE AUTHORITY FOR DUNGENESS CRAB FISHERY MANAGEMENT.—Section 203 of Public Law 105–384 (16 U.S.C. 1856 note) is amended—

(1) by striking ''September 30, 2006.'' in subsection (i) and inserting ''September 30, 2016.'';

(2) by striking ''health'' in subsection (j) and inserting ''status''; and

(3) by striking ''California.'' in subsection (j) and inserting ''California, including—

''(1) stock status and trends throughout its range;

''(2) a description of applicable research and scientific review processes used to determine stock status and trends; and

''(3) measures implemented or planned that are designed to prevent or end overfishing in the fishery.''.

(f) PACIFIC FISHERY MANAGEMENT COUNCIL.—

(1) IN GENERAL.—The Pacific Fishery Management Council shall develop a proposal for the appropriate rationalization program for the Pacific trawl groundfish and whiting fisheries, including the shore-based sector of the Pacific whiting fishery under its jurisdiction. The proposal may include only the Pacific whiting fishery, including the shore-based sector, if the Pacific Council determines that a rationalization plan for the fishery as a whole cannot be achieved before the report is required to be submitted under paragraph (3).

(2) REQUIRED ANALYSIS.—In developing the proposal to rationalize the fishery, the Pacific Council shall fully analyze alternative program designs, including the allocation of limited access privileges to harvest fish to fishermen and processors working together in regional fishery associations or some other cooperative manner to harvest and process the fish, as well as the effects of these program designs and allocations on competition and conservation. The analysis shall include an assessment of the impact of the proposal on conservation and the economics of communities, fishermen, and processors participating in the trawl groundfish fisheries, including the shore-based sector of the Pacific whiting fishery.

(3) REPORT.—The Pacific Council shall submit the proposal and related analysis to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources no later than 24 months after the date of enactment of this Act.

(g) REAUTHORIZATION OF THE INTERJURISDICTIONAL FISHERIES ACT OF 1986.— Section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GENERAL APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for apportionment to carry out the purposes of this title $5,000,000 for each of fiscal years 2007 through 2012.''; and

(2) by striking ''$850,000 for each of fiscal years 2003 and 2004, and $900,000 for each of fiscal years 2005 and 2006'' in subsection (c) and inserting ''$900,000 for each of fiscal years 2007 through 2012''.

(h) REAUTHORIZATION AND AMENDMENT OF THE ANADROMOUS FISH CONSERVATION ACT.—Section 4 of the Anadromous Fish Conservation Act (16 U.S.C. 757d) is amended to read as follows:

"SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out the purposes of this Act not to exceed $4,500,000 for each of fiscal years 2007 through 2012.''.

(i) REAUTHORIZATION OF THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.—Section 211 of the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5610) is amended by striking ''2006'' and inserting ''2012''.

TITLE IV—INTERNATIONAL

SEC. 401. INTERNATIONAL MONITORING AND COMPLIANCE.

Title II (16 U.S.C. 1821 et seq.) is amended by adding at the end the following:

"SEC. 207. INTERNATIONAL MONITORING AND COMPLIANCE.

''(a) IN GENERAL.—The Secretary may undertake activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and to implement the requirements of this title.

''(b) SPECIFIC AUTHORITIES.—In carrying out subsection (a), the Secretary may—

''(1) share information on harvesting and processing capacity and illegal, unreported and unregulated fishing on the high seas, in areas covered by international fishery management agreements, and by vessels of other nations within the United States exclusive economic zone, with relevant law enforcement organizations of foreign nations and relevant international organizations;

''(2) further develop real time information sharing capabilities, particularly on harvesting and processing capacity and illegal, unreported and unregulated fishing;

''(3) participate in global and regional efforts to build an international network for monitoring, control, and surveillance of high seas fishing and fishing under regional or global agreements;

''(4) support efforts to create an international registry or database of fishing vessels, including by building on or enhancing registries developed by international fishery management organizations;

''(5) enhance enforcement capabilities through the application of commercial or governmental remote sensing technology to locate or identify vessels engaged in illegal, unreported, or unregulated fishing on the high seas, including encroachments into the exclusive economic zone by fishing vessels of other nations;

''(6) provide technical or other assistance to developing countries to improve their monitoring, control, and surveillance capabilities; and

''(7) support coordinated international efforts to ensure that all large-scale fishing vessels operating on the high seas are required by their flag State to be fitted with vessel monitoring systems no later than December 31, 2008, or earlier if so decided by the relevant flag State or any relevant international fishery management organization.''.

SEC. 402. FINDING WITH RESPECT TO ILLEGAL, UNREPORTED, AND UNREGULATED FISHING.

Section 2(a) (16 U.S.C. 1801(a)), as amended by section 3 of this Act, is further amended by adding at the end the following:

''(12) International cooperation is necessary to address illegal, unreported, and unregulated fishing and other fishing practices which may harm the sustainability of living marine resources and disadvantage the United States fishing industry.''.

SEC. 403. ACTION TO END ILLEGAL, UNREPORTED, OR UNREGULATED FISHING AND REDUCE BYCATCH OF PROTECTED MARINE SPECIES.

(a) IN GENERAL.—Title VI of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d et seq.), is amended by adding at the end the following:

"SEC. 607. BIENNIAL REPORT ON INTERNATIONAL COMPLIANCE.

''The Secretary, in consultation with the Secretary of State, shall provide to Congress, by not later than 2 years after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, and every 2 years thereafter, a report that includes—

''(1) the state of knowledge on the status of international living marine resources shared by the United States or subject to treaties or agreements to which the United States is a party, including a list of all such fish stocks classified as overfished, overexploited, depleted, endangered, or threatened with extinction by any international or other authority charged with management or conservation of living marine resources;

''(2) a list of nations whose vessels have been identified under sections 609(a) or 610(a), including the specific offending activities and any subsequent actions taken pursuant to section 609 or 610;

''(3) a description of efforts taken by nations on those lists to comply take appropriate corrective action consistent with sections 609 and 610, and an evaluation of the progress of those efforts, including steps taken by the United States to implement those sections and to improve international compliance;

''(4) progress at the international level, consistent with section 608, to strengthen the efforts of international fishery management organizations to end illegal, unreported, or unregulated fishing; and

''(5) steps taken by the Secretary at the international level to adopt international measures comparable to those of the United States to reduce impacts of fishing and other practices on protected living marine resources, if no international agreement to achieve such goal exists, or if the relevant international fishery or conservation organization has failed to implement effective measures to end or reduce the adverse impacts of fishing practices on such species.

"SEC. 608. ACTION TO STRENGTHEN INTERNATIONAL FISHERY MANAGEMENT ORGANIZATIONS.

''The Secretary, in consultation with the Secretary of State, and in cooperation with relevant fishery management councils and any relevant advisory committees, shall take actions to improve the effectiveness of international fishery management organizations in conserving and managing fish stocks under their jurisdiction. These actions shall include—

''(1) urging international fishery management organizations to which the United States is a member—

''(A) to incorporate multilateral market-related measures against member or non-member governments whose vessels engage in illegal, unreported, or unregulated fishing;

''(B) to seek adoption of lists that identify fishing vessels and vessel owners engaged in illegal, unreported, or unregulated fishing that can be shared among all members and other international fishery management organizations;

''(C) to seek international adoption of a centralized vessel monitoring system in order to monitor and document capacity in fleets of all nations involved in fishing in areas under an international fishery management organization's jurisdiction;

''(D) to increase use of observers and technologies needed to monitor compliance with

conservation and management measures established by the organization, including vessel monitoring systems and automatic identification systems; and

''(E) to seek adoption of stronger port state controls in all nations, particularly those nations in whose ports vessels engaged in illegal, unreported, or unregulated fishing land or transship fish;

''(2) urging international fishery management organizations to which the United States is a member, as well as all members of those organizations, to adopt and expand the use of market-related measures to combat illegal, unreported, or unregulated fishing, including—

''(A) import prohibitions, landing restrictions, or other market-based measures needed to enforce compliance with international fishery management organization measures, such as quotas and catch limits;

''(B) import restrictions or other market-based measures to prevent the trade or importation of fish caught by vessels identified multilaterally as engaging in illegal, unreported, or unregulated fishing; and

''(C) catch documentation and certification schemes to improve tracking and identification of catch of vessels engaged in illegal, unreported, or unregulated fishing, including advance transmission of catch documents to ports of entry; and

''(3) urging other nations at bilateral, regional, and international levels, including the Convention on International Trade in Endangered Species of Fauna and Flora and the World Trade Organization to take all steps necessary, consistent with international law, to adopt measures and policies that will prevent fish or other living marine resources harvested by vessels engaged in illegal, unreported, or unregulated fishing from being traded or imported into their nation or territories.

''SEC. 609. ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.

''(a) IDENTIFICATION.—The Secretary shall identify, and list in the report under section 607, a nation if fishing vessels of that nation are engaged, or have been engaged at any point during the preceding 2 years, in illegal, unreported, or unregulated fishing; and—

''(1) the relevant international fishery management organization has failed to implement effective measures to end the illegal, unreported, or unregulated fishing activity by vessels of that nation or the nation is not a party to, or does not maintain cooperating status with, such organization; or

''(2) where no international fishery management organization exists with a mandate to regulate the fishing activity in question.

''(b) NOTIFICATION.—An identification under subsection (a) or section 610(a) is deemed to be an identification under section 101(b)(1)(A) of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(b)(1)(A)), and the Secretary shall notify the President and that nation of such identification.

''(c) CONSULTATION.—No later than 60 days after submitting a report to Congress under section 607, the Secretary, acting through the Secretary of State, shall—

''(1) notify nations listed in the report of the requirements of this section;

''(2) initiate consultations for the purpose of encouraging such nations to take the appropriate corrective action with respect to the offending activities of their fishing vessels identified in the report; and

''(3) notify any relevant international fishery management organization of the actions taken by the United States under this section.

''(d) IUU CERTIFICATION PROCEDURE.—

''(1) CERTIFICATION.—The Secretary shall establish a procedure, consistent with the provisions of subchapter II of chapter 5 of title 5, United States Code, for determining if a nation identified under subsection (a) and listed in the report under section 607 has taken appropriate corrective action with respect to the offending activities of its fishing vessels identified in the report under section 607. The certification procedure shall provide for notice and an opportunity for comment by any such nation. The Secretary shall determine, on the basis of the procedure, and certify to the Congress no later than 90 days after the date on which the Secretary promulgates a final rule containing the procedure, and biennially thereafter in the report under section 607—

''(A) whether the government of each nation identified under subsection (a) has provided documentary evidence that it has taken corrective action with respect to the offending activities of its fishing vessels identified in the report; or

''(B) whether the relevant international fishery management organization has implemented measures that are effective in ending the illegal, unreported, or unregulated fishing activity by vessels of that nation.

''(2) ALTERNATIVE PROCEDURE.—The Secretary may establish a procedure for certification, on a shipment-by-shipment, shipper-by-shipper, or other basis of fish or fish products from a vessel of a harvesting nation not certified under paragraph (1) if the Secretary determines that—

''(A) the vessel has not engaged in illegal, unreported, or unregulated fishing under an international fishery management agreement to which the United States is a party; or

''(B) the vessel is not identified by an international fishery management organization as participating in illegal, unreported, or unregulated fishing activities.

''(3) EFFECT OF CERTIFICATION.—

''(A) IN GENERAL.—The provisions of section 101(a) and section 101(b)(3) and (4) of this Act (16 U.S.C. 1826a(a), (b)(3), and (b)(4))—

''(i) shall apply to any nation identified under subsection (a) that has not been certified by the Secretary under this subsection, or for which the Secretary has issued a negative certification under this subsection; but

''(ii) shall not apply to any nation identified under subsection (a) for which the Secretary has issued a positive certification under this subsection.

''(B) EXCEPTIONS.—Subparagraph (A)(i) does not apply—

''(i) to the extent that such provisions would apply to sport fishing equipment or to fish or fish products not managed under the applicable international fishery agreement; or

''(ii) if there is no applicable international fishery agreement, to the extent that such provisions would apply to fish or fish products caught by vessels not engaged in illegal, unreported, or unregulated fishing.

''(e) ILLEGAL, UNREPORTED, OR UNREGULATED FISHING DEFINED.—

''(1) IN GENERAL.—In this Act the term 'illegal, unreported, or unregulated fishing' has the meaning established under paragraph (2).

''(2) SECRETARY TO DEFINE TERM WITHIN LEGISLATIVE GUIDELINES.—Within 3 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall publish a definition of the term 'illegal, unreported, or unregulated fishing' for purposes of this Act.

''(3) GUIDELINES.—The Secretary shall include in the definition, at a minimum—

''(A) fishing activities that violate conservation and management measures required under an international fishery management agreement to which the United States is a party, including catch limits or quotas, capacity restrictions, and bycatch reduction requirements;

''(B) overfishing of fish stocks shared by the United States, for which there are no applicable international conservation or management measures or in areas with no applicable international fishery management organization or agreement, that has adverse impacts on such stocks; and

''(C) fishing activity that has an adverse impact on seamounts, hydrothermal vents, and cold water corals located beyond national jurisdiction, for which there are no applicable conservation or management measures or in areas with no applicable international fishery management organization or agreement.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2007 through 2013 such sums as are necessary to carry out this section.

''SEC. 610. EQUIVALENT CONSERVATION MEASURES.

''(a) IDENTIFICATION.—The Secretary shall identify, and list in the report under section 607, a nation if—

''(1) fishing vessels of that nation are engaged, or have been engaged during the preceding calendar year in fishing activities or practices;

''(A) in waters beyond any national jurisdiction that result in bycatch of a protected living marine resource; or

''(B) beyond the exclusive economic zone of the United States that result in bycatch of a protected living marine resource shared by the United States;

''(2) the relevant international organization for the conservation and protection of such resources or the relevant international or regional fishery organization has failed to implement effective measures to end or reduce such bycatch, or the nation is not a party to, or does not maintain cooperating status with, such organization; and

''(3) the nation has not adopted a regulatory program governing such fishing practices designed to end or reduce such bycatch that is comparable to that of the United States, taking into account different conditions.

''(b) CONSULTATION AND NEGOTIATION.—The Secretary, acting through the Secretary of State, shall—

''(1) notify, as soon as possible, other nations whose vessels engage in fishing activities or practices described in subsection (a), about the provisions of this section and this Act;

''(2) initiate discussions as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in, fishing activities or practices described in subsection (a), for the purpose of entering into bilateral and multilateral treaties with such countries to protect such species;

''(3) seek agreements calling for international restrictions on fishing activities or practices described in subsection (a) through the United Nations, the Food and Agriculture Organization's Committee on Fisheries, and appropriate international fishery management bodies; and

''(4) initiate the amendment of any existing international treaty for the protection and conservation of such species to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section.

''(c) CONSERVATION CERTIFICATION PROCEDURE.—

''(1) DETERMINATION.—The Secretary shall establish a procedure consistent with the provisions of subchapter II of chapter 5 of title 5, United States Code, for determining

whether the government of a harvesting nation identified under subsection (a) and listed in the report under section 607—

''(A) has provided documentary evidence of the adoption of a regulatory program governing the conservation of the protected living marine resource that is comparable to that of the United States, taking into account different conditions, and which, in the case of pelagic longline fishing, includes mandatory use of circle hooks, careful handling and release equipment, and training and observer programs; and

''(B) has established a management plan containing requirements that will assist in gathering species-specific data to support international stock assessments and conservation enforcement efforts for protected living marine resources.

''(2) PROCEDURAL REQUIREMENT.—The procedure established by the Secretary under paragraph (1) shall include notice and opportunity for comment by any such nation.

''(3) CERTIFICATION.—The Secretary shall certify to the Congress by January 31, 2007, and biennially thereafter whether each such nation has provided the documentary evidence described in paragraph (1)(A) and established a management plan described in paragraph (1)(B).

''(4) ALTERNATIVE PROCEDURE.—The Secretary shall establish a procedure for certification, on a shipment-by-shipment, shipper-by-shipper, or other basis of fish or fish products from a vessel of a harvesting nation not certified under paragraph (3) if the Secretary determines that such imports were harvested by practices that do not result in bycatch of a protected marine species, or were harvested by practices that—

''(A) are comparable to those of the United States, taking into account different conditions, and which, in the case of pelagic longline fishing, includes mandatory use of circle hooks, careful handling and release equipment, and training and observer programs; and

''(B) include the gathering of species specific data that can be used to support international and regional stock assessments and conservation efforts for protected living marine resources.

''(5) EFFECT OF CERTIFICATION.—The provisions of section 101(a) and section 101(b)(3) and (4) of this Act (16 U.S.C. 1826a(a), (b)(3), and (b)(4)) (except to the extent that such provisions apply to sport fishing equipment or fish or fish products not caught by the vessels engaged in illegal, unreported, or unregulated fishing) shall apply to any nation identified under subsection (a) that has not been certified by the Secretary under this subsection, or for which the Secretary has issued a negative certification under this subsection, but shall not apply to any nation identified under subsection (a) for which the Secretary has issued a positive certification under this subsection.

''(d) INTERNATIONAL COOPERATION AND ASSISTANCE.—To the greatest extent possible consistent with existing authority and the availability of funds, the Secretary shall—

''(1) provide appropriate assistance to nations identified by the Secretary under subsection (a) and international organizations of which those nations are members to assist those nations in qualifying for certification under subsection (c);

''(2) undertake, where appropriate, cooperative research activities on species statistics and improved harvesting techniques, with those nations or organizations;

''(3) encourage and facilitate the transfer of appropriate technology to those nations or organizations to assist those nations in qualifying for certification under subsection (c); and

''(4) provide assistance to those nations or organizations in designing and implementing appropriate fish harvesting plans.

''(e) PROTECTED LIVING MARINE RESOURCE DEFINED.—In this section the term 'protected living marine resource'—

''(1) means non-target fish, sea turtles, or marine mammals that are protected under United States law or international agreement, including the Marine Mammal Protection Act, the Endangered Species Act, the Shark Finning Prohibition Act, and the Convention on International Trade in Endangered Species of Wild Flora and Fauna; but

''(2) does not include species, except sharks, managed under the Magnuson-Stevens Fishery Conservation and Management Act, the Atlantic Tunas Convention Act, or any international fishery management agreement.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2007 through 2013 such sums as are necessary to carry out this section.''.

(b) CONFORMING AMENDMENTS.—

(1) DENIAL OF PORT PRIVILEGES.—Section 101(b) of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(b)) is amended by inserting ''or illegal, unreported, or unregulated fishing'' after ''fishing'' in paragraph (1)(A)(i), paragraph (1)(B), paragraph (2), and paragraph (4)(A)(i).

(2) DURATION OF DENIAL.—Section 102 of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826b) is amended by inserting ''or illegal, unreported, or unregulated fishing'' after ''fishing''.

SEC. 404. MONITORING OF PACIFIC INSULAR AREA FISHERIES.

(a) WAIVER AUTHORITY.—Section 201(h)(2)(B) (16 U.S.C. 1821(h)(2)(B)) is amended by striking ''that is at least equal in effectiveness to the program established by the Secretary;'' and inserting ''or other monitoring program that the Secretary, in consultation with the Western Pacific Management Council, determines is adequate to monitor harvest, bycatch, and compliance with the laws of the United States by vessels fishing under the agreement;''.

(b) MARINE CONSERVATION PLANS.—Section 204(e)(4)(A)(i) (16 U.S.C. 1824(e)(4)(A)(i)) is amended to read as follows:

''(i) Pacific Insular Area observer programs, or other monitoring programs, that the Secretary determines are adequate to monitor the harvest, bycatch, and compliance with the laws of the United States by foreign fishing vessels that fish under Pacific Insular Area fishing agreements;''.

SEC. 405. REAUTHORIZATION OF ATLANTIC TUNAS CONVENTION ACT.

(a) IN GENERAL.—Section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended to read as follows:

''SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this Act, including use for payment of the United States share of the joint expenses of the Commission as provided in Article X of the Convention—

''(1) $5,770,000 for each of fiscal years 2007 and 2008;

''(2) $6,058,000 for each of fiscal years 2009 and 2010; and

''(3) $6,361,000 for each of fiscal years 2011 and 2013.

''(b) ALLOCATION.—Of the amounts made available under subsection (a) for each fiscal year—

''(1) $160,000 are authorized for the advisory committee established under section 4 of this Act and the species working groups established under section 4A of this Act; and

''(2) $7,500,000 are authorized for research activities under this Act and section 3 of Public Law 96–339 (16 U.S.C. 971i), of which $3,000,000 shall be for the cooperative research program under section 3(b)(2)(H) of that section (16 U.S.C. 971i(b)(2)(H).''.

(b) ATLANTIC BILLFISH COOPERATIVE RESEARCH PROGRAM.—Section 3(b)(2) of Public Law 96–339 (16 U.S.C. 971i(b)(2)) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (G);

(2) by redesignating subparagraph (H) as subparagraph (I); and

(3) by inserting after subparagraph (G) the following:

''(H) include a cooperative research program on Atlantic billfish based on the Southeast Fisheries Science Center Atlantic Billfish Research Plan of 2002; and''.

(c) SENSE OF CONGRESS REGARDING FISH HABITAT.—Section 3 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971a) is amended by adding at the end the following:

''(e) SENSE OF CONGRESS REGARDING FISH HABITAT.—It is the sense of the Congress that the United States Commissioners should seek to include ecosystem considerations in fisheries management, including the conservation of fish habitat.'.

SEC. 406. INTERNATIONAL OVERFISHING AND DOMESTIC EQUITY.

(a) INTERNATIONAL OVERFISHING.—Section 304 (16 U.S.C. 1854) is amended by adding at the end thereof the following:

''(i) INTERNATIONAL OVERFISHING.—The provisions of this subsection shall apply in lieu of subsection (e) to a fishery that the Secretary determines is overfished or approaching a condition of being overfished due to excessive international fishing pressure, and for which there are no management measures to end overfishing under an international agreement to which the United States is a party. For such fisheries—

''(1) the Secretary, in cooperation with the Secretary of State, immediately take appropriate action at the international level to end the overfishing; and

''(2) within 1 year after the Secretary's determination, the appropriate Council, or Secretary, for fisheries under section 302(a)(3) shall—

''(A) develop recommendations for domestic regulations to address the relative impact of fishing vessels of the United States on the stock and, if developed by a Council, the Council shall submit such recommendations to the Secretary; and

''(B) develop and submit recommendations to the Secretary of State, and to the Congress, for international actions that will end overfishing in the fishery and rebuild the affected stocks, taking into account the relative impact of vessels of other nations and vessels of the United States on the relevant stock.''.

(b) HIGHLY MIGRATORY SPECIES TAGGING RESEARCH.—Section 304(g)(2) (16 U.S.C. 1854(g)(2)) is amended by striking ''(16 U.S.C. 971d)'' and inserting ''(16 U.S.C. 971d), or highly migratory species harvested in a commercial fishery managed by a Council under this Act or the Western and Central Pacific Fisheries Convention Implementation Act,''.

SEC. 407. UNITED STATES CATCH HISTORY.

In establishing catch allocations under international fisheries agreements, the Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating, and the Secretary of State, shall ensure that all catch history associated with a vessel of the United States remains with the United States and is not transferred or credited to any other nation or vessel of such nation, including when a vessel of the United States is sold or transferred to a citizen of another nation or to an entity controlled by citizens of another nation.

SEC. 408. SECRETARIAL REPRESENTATIVE FOR INTERNATIONAL FISHERIES.

(a) IN GENERAL.—The Secretary, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, shall designate a Senate-confirmed, senior official within the National Oceanic and Atmospheric Administration to perform the duties of the Secretary with respect to international agreements involving fisheries and other living marine resources, including policy development and representation as a U.S. Commissioner, under any such international agreements.

(b) ADVICE.—The designated official shall, in consultation with the Deputy Assistant Secretary for International Affairs and the Administrator of the National Marine Fisheries Service, advise the Secretary, Undersecretary of Commerce for Oceans and Atmosphere, and other senior officials of the Department of Commerce and the National Oceanic and Atmospheric Administration on development of policy on international fisheries conservation and management matters.

(c) CONSULTATION.—The designated official shall consult with the Senate Committee on Commerce, Science, and Transportation and the House Committee on Resources on matters pertaining to any regional or international negotiation concerning living marine resources, including shellfish.

(d) DELEGATION.—The designated official may delegate and authorize successive redelegation of such functions, powers, and duties to such officers and employees of the National Oceanic and Atmospheric Administration as deemed necessary to discharge the responsibility of the Office.

(e) EFFECTIVE DATE.—This section shall take effect on January 1, 2009.

TITLE V—IMPLEMENTATION OF WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION

SEC. 501. SHORT TITLE.

This title may be cited as the ''Western and Central Pacific Fisheries Convention Implementation Act''.

SEC. 502. DEFINITIONS.

In this title:

(1) 1982 CONVENTION.—The term ''1982 Convention'' means the United Nations Convention on the Law of the Sea of 10 December 1982.

(2) AGREEMENT.—The term ''Agreement'' means the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

(3) COMMISSION.—The term ''Commission'' means the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean established in accordance with this Convention.

(4) CONVENTION AREA.—The term ''convention area'' means all waters of the Pacific Ocean bounded to the south and to the east by the following line:

From the south coast of Australia due south along the 141th meridian of east longitude to its intersection with the 55th parallel of south latitude; thence due east along the 55th parallel of south latitude to its intersection with the 150th meridian of east longitude; thence due south along the 150th meridian of east longitude to its intersection with the 60th parallel of south latitude; thence due east along the 60th parallel of south latitude to its intersection with the 130th meridian of west longitude; thence due north along the 130th meridian of west longitude to its intersection with the 4th parallel of south latitude; thence due west along the 4th parallel of south latitude to its intersection with the 150th meridian of west longitude; thence due north along the 150th meridian of west longitude.

(5) EXCLUSIVE ECONOMIC ZONE.—The term ''exclusive economic zone'' means the zone established by Presidential Proclamation Numbered 5030 of March 10, 1983.

(6) FISHING.—The term ''fishing'' means:

(A) searching for, catching, taking, or harvesting fish.

(B) attempting to search for, catch, take, or harvest fish.

(C) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking, or harvesting of fish for any purpose.

(D) placing, searching for, or recovering fish aggregating devices or associated electronic equipment such as radio beacons.

(E) any operations at sea directly in support of, or in preparation for, any activity described in subparagraphs (A) through (D), including transshipment.

(F) use of any other vessel, vehicle, aircraft, or hovercraft, for any activity described in subparagraphs (A) through (E) except for emergencies involving the health and safety of the crew or the safety of a vessel.

(7) FISHING VESSEL.—The term ''fishing vessel'' means any vessel used or intended for use for the purpose of fishing, including support ships, carrier vessels, and any other vessel directly involved in such fishing operations.

(8) HIGHLY MIGRATORY FISH STOCKS.—The term ''highly migratory fish stocks'' means all fish stocks of the species listed in Annex 1 of the 1982 Convention, except sauries, occurring in the Convention Area, and such other species of fish as the Commission may determine.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(10) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and any other commonwealth, territory, or possession of the United States.

(11) TRANSHIPMENT.—The term ''transshipment'' means the unloading of all or any of the fish on board a fishing vessel to another fishing vessel either at sea or in port.

(12) WCPFC CONVENTION; WESTERN AND CENTRAL PACIFIC CONVENTION.—The terms ''WCPFC Convention'' and ''Western and Central Pacific Convention'' means the Convention on the Conservation and Management of the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, (including any annexes, amendments, or protocols which are in force, or have come into force, for the United States) which was adopted at Honolulu, Hawaii, on September 5, 2000, by the Multilateral High Level Conference on the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

SEC. 503. APPOINTMENT OF UNITED STATES COMMISSIONERS.

(a) IN GENERAL.—The United States shall be represented on the Commission by 5 United States Commissioners. The President shall appoint individuals to serve on the Commission at the pleasure of the President. In making the appointments, the President shall select Commissioners from among individuals who are knowledgeable or experienced concerning highly migratory fish stocks in the Western and Central Pacific Ocean, one of whom shall be an officer or employee of the Department of Commerce, and one of whom shall be the chairman or a member of the Western Pacific Fishery Management Council and the Pacific Fishery Management Council. The Commissioners shall be entitled to adopt such rules of procedures as they find necessary and to select a chairman from among members who are officers or employees of the United States Government.

(b) ALTERNATE COMMISSIONERS.—The Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time deemed appropriate Alternate United States Commissioners to the Commission. Any Alternate United States Commissioner may exercise at any meeting of the Commission, Council, any Panel, or the advisory committee established pursuant to subsection (d), all powers and duties of a United States Commissioner in the absence of any Commissioner appointed pursuant to subsection (a) of this section for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of United States Commissioners appointed pursuant to subsection (a) of this section who will not be present at such meeting.

(c) ADMINISTRATIVE MATTERS.—

(1) EMPLOYMENT STATUS.—Individuals serving as such Commissioners, other than officers or employees of the United States Government, shall be considered to be Federal employees while performing such service, only for purposes of—

(A) injury compensation under chapter 81 of title 5, United States Code;

(B) requirements concerning ethics, conflicts of interest, and corruption as provided under title 18, United States Code; and

(C) any other criminal or civil statute or regulation governing the conduct of Federal employees.

(2) COMPENSATION.—The United States Commissioners or Alternate Commissioners, although officers of the United States while so serving, shall receive no compensation for their services as such Commissioners or Alternate Commissioners.

(3) TRAVEL EXPENSES.—

(A) The Secretary of State shall pay the necessary travel expenses of United States Commissioners and Alternate United States Commissioners in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(B) The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subsection.

(d) ADVISORY COMMITTEES.—

(1) ESTABLISHMENT OF PERMANENT ADVISORY COMMITTEE.—

(A) MEMBERSHIP.—There is established an advisory committee which shall be composed of—

(i) not less than 15 nor more than 20 individuals appointed by the Secretary of Commerce in consultation with the United States Commissioners, who shall select such individuals from the various groups concerned with the fisheries covered by the WCPFC Convention, providing, to the maximum extent practicable, an equitable balance among such groups;

(ii) the chair of the Western Pacific Fishery Management Council's Advisory Committee or the chair's designee; and

(iii) officials of the fisheries management authorities of American Samoa, Guam, and the Northern Mariana Islands (or their designees).

(B) TERMS AND PRIVILEGES.—Each member of the advisory committee appointed under subparagraph (A) shall serve for a term of 2 years and shall be eligible for reappointment. The advisory committee shall be invited to attend all non-executive meetings of the United States Commissioners and at such meetings shall be given opportunity to

examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the Commission.

(C) PROCEDURES.—The advisory committee established by subparagraph (A) shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this chapter, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the WCPFC Convention. The advisory committee shall publish and make available to the public a statement of its organization, practices, and procedures. A majority of the members of the advisory committee shall constitute a quorum. Meetings of the advisory committee, except when in executive session, shall be open to the public, and prior notice of meetings shall be made public in a timely fashion. and the advisory committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(D) PROVISION OF INFORMATION.—The Secretary and the Secretary of State shall furnish the advisory committee with relevant information concerning fisheries and international fishery agreements.

(2) ADMINISTRATIVE MATTERS.—

(A) SUPPORT SERVICES.—The Secretary shall provide to advisory committees in a timely manner such administrative and technical support services as are necessary for their effective functioning.

(B) COMPENSATION; STATUS; EXPENSES.—Individuals appointed to serve as a member of an advisory committee—

(i) shall serve without pay, but while away from their homes or regular places of business in the performance of services for the advisory committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code; and

(ii) shall be considered Federal employees while performing service as members of an advisory committee only for purposes of—

(I) injury compensation under chapter 81 of title 5, United States Code;

(II) requirements concerning ethics, conflicts-of-interest, and corruption, as provided by title 18, United States Code; and

(III) any other criminal or civil statute or regulation governing the conduct of Federal employees in their capacity as Federal employees.

(f) MEMORANDUM OF UNDERSTANDING.—For highly migratory species in the Pacific, the Secretary, in coordination with the Secretary of State, shall develop a memorandum of understanding with the Western Pacific, Pacific, and North Pacific Fishery Management Councils, that clarifies the role of the relevant Council or Councils with respect to—

(1) participation in United States delegations to international fishery organizations in the Pacific Ocean, including government-to-government consultations;

(2) providing formal recommendations to the Secretary and the Secretary of State regarding necessary measures for both domestic and foreign vessels fishing for these species;

(3) coordinating positions with the United States delegation for presentation to the appropriate international fishery organization; and

(4) recommending those domestic fishing regulations that are consistent with the actions of the international fishery organization, for approval and implementation under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)

SEC. 504. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF STATE.

The Secretary of State may—

(1) receive and transmit, on behalf of the United States, reports, requests, recommendations, proposals, decisions, and other communications of and to the Commission;

(2) in consultation with the Secretary approve, disapprove, object to, or withdraw objections to bylaws and rules, or amendments thereof, adopted by the WCPFC Commission, and, with the concurrence of the Secretary to approve or disapprove the general annual program of the WCPFC Commission with respect to conservation and management measures and other measures proposed or adopted in accordance with the WCPFC Convention; and

(3) act upon, or refer to other appropriate authority, any communication referred to in paragraph (1).

SEC. 505. RULEMAKING AUTHORITY OF THE SECRETARY OF COMMERCE.

(a) PROMULGATION OF REGULATIONS.—The Secretary, in consultation with the Secretary of State and, with respect to enforcement measures, the Secretary of the Department in which the Coast Guard is operating, is authorized to promulgate such regulations as may be necessary to carry out the United States international obligations under the WCPFC Convention and this title, including recommendations and decisions adopted by the Commission. In cases where the Secretary has discretion in the implementation of one or more measures adopted by the Commission that would govern fisheries under the authority of a Regional Fishery Management Council, the Secretary may, to the extent practicable within the implementation schedule of the WCPFC Convention and any recommendations and decisions adopted by the Commission, promulgate such regulations in accordance with the procedures established by the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(b) ADDITIONS TO FISHERY REGIMES AND REGULATIONS.—The Secretary may promulgate regulations applicable to all vessels and persons subject to the jurisdiction of the United States, including United States flag vessels wherever they may be operating, on such date as the Secretary shall prescribe.

SEC. 506. ENFORCEMENT.

(a) IN GENERAL.—The Secretary may—

(1) administer and enforce this title and any regulations issued under this title, except to the extent otherwise provided for in this Act;

(2) request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in—

(A) the administration and enforcement of this title; and

(B) the conduct of scientific, research, and other programs under this title;

(3) conduct fishing operations and biological experiments for purposes of scientific investigation or other purposes necessary to implement the WCPFC Convention;

(4) collect, utilize, and disclose such information as may be necessary to implement the WCPFC Convention, subject to sections 552 and 552a of title 5, United States Code, and section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b));

(5) if recommended by the United States Commissioners or proposed by a Council with authority over the relevant fishery, assess and collect fees, not to exceed three percent of the ex-vessel value of fish harvested by vessels of the United States in fisheries managed pursuant to this title, to recover the actual costs to the United States of management and enforcement under this title, which shall be deposited as an offsetting collection in, and credited to, the account providing appropriations to carry out the functions of the Secretary under this title; and

(6) issue permits to owners and operators of United States vessels to fish in the convention area seaward of the United States Exclusive Economic Zone, under such terms and conditions as the Secretary may prescribe, and shall remain valid for a period to be determined by the Secretary.

(b) CONSISTENCY WITH OTHER LAWS.—The Secretary shall ensure the consistency, to the extent practicable, of fishery management programs administered under this Act, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the Tuna Conventions Act (16 U.S.C. 951 et seq.), the South Pacific Tuna Act (16 U.S.C. 973 et seq.), section 401 of Public Law 108–219 (16 U.S.C. 1821 note) (relating to Pacific albacore tuna), and the Atlantic Tunas Convention Act (16 U.S.C. 971).

(c) ACTIONS BY THE SECRETARY.—The Secretary shall prevent any person from violating this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) were incorporated into and made a part of this title. Any person that violates any provision of this title is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of that Act were incorporated into and made a part of this title.

(d) CONFIDENTIALITY.—

(1) IN GENERAL.—Any information submitted to the Secretary in compliance with any requirement under this Act shall be confidential and shall not be disclosed, except—

(A) to Federal employees who are responsible for administering, implementing, and enforcing this Act;

(B) to the Commission, in accordance with requirements in the Convention and decisions of the Commission, and, insofar as possible, in accordance with an agreement with the Commission that prevents public disclosure of the identity or business of any person;

(C) to State or Marine Fisheries Commission employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business or any person;

(D) when required by court order; or

(E) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act.

(2) USE OF INFORMATION.—The Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve the confidentiality of information submitted in compliance with any requirement or regulation under this Act, except that the Secretary may release or make public any such information in any aggregate or summary form that does not directly or indirectly disclose the identity or business of any person. Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary of any information submitted in compliance with any requirement or regulation under this Act.

SEC. 507. PROHIBITED ACTS.

(a) IN GENERAL.—It is unlawful for any person—

(1) to violate any provision of this title or any regulation or permit issued pursuant to this title;

(2) to use any fishing vessel to engage in fishing after the revocation, or during the period of suspension, on an applicable permit issued pursuant to this title;

(3) to refuse to permit any officer authorized to enforce the provisions of this title to board a fishing vessel subject to such person's control for the purposes of conducting any search, investigation, or inspection in connection with the enforcement of this title or any regulation, permit, or the Convention;

(4) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search, investigations, or inspection in connection with the enforcement of this title or any regulation, permit, or the Convention;

(5) to resist a lawful arrest for any act prohibited by this title;

(6) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this title or any regulation, permit, or agreement referred to in paragraph (1) or (2);

(7) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any chapter prohibited by this section;

(8) to knowingly and willfully submit to the Secretary false information (including false information regarding the capacity and extent to which a United States fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishery vessels of the United States), regarding any matter that the Secretary is considering in the course of carrying out this title;

(9) to forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer on a vessel under this title, or any data collector employed by the National Marine Fisheries Service or under contract to any person to carry out responsibilities under this title;

(10) to engage in fishing in violation of any regulation adopted pursuant to section 506(a) of this title;

(11) to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of such regulations;

(12) to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this title to be made, kept, or furnished;

(13) to fail to stop a vessel upon being hailed and instructed to stop by a duly authorized official of the United States; or

(14) to import, in violation of any regulation adopted pursuant to section 506(a) of this title, any fish in any form of those species subject to regulation pursuant to a recommendation, resolution, or decision of the Commission, or any tuna in any form not under regulation but under investigation by the Commission, during the period such fish have been denied entry in accordance with the provisions of section 506(a) of this title.

(b) ENTRY CERTIFICATION.—In the case of any fish described in subsection (a) offered for entry into the United States, the Secretary of Commerce shall require proof satisfactory to the Secretary that such fish is not ineligible for such entry under the terms of section 506(a) of this title.

SEC. 508. COOPERATION IN CARRYING OUT CONVENTION.

(a) FEDERAL AND STATE AGENCIES; PRIVATE INSTITUTIONS AND ORGANIZATIONS.—The Secretary may cooperate with agencies of the United States government, any public or private institutions or organizations within the United States or abroad, and, through the Secretary of State, the duly authorized officials of the government of any party to the WCPFC Convention, in carrying out responsibilities under this title.

(b) SCIENTIFIC AND OTHER PROGRAMS; FACILITIES AND PERSONNEL.—All Federal agencies are authorized, upon the request of the Secretary, to cooperate in the conduct of scientific and other programs and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the WCPFC Convention.

(c) SANCTIONED FISHING OPERATIONS AND BIOLOGICAL EXPERIMENTS.—Nothing in this title, or in the laws or regulations of any State, prevents the Secretary or the Commission from—

(1) conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation; or

(2) discharging any other duties prescribed by the WCPFC Convention.

(d) STATE JURISDICTION NOT AFFECTED.—Except as provided in subsection (e) of this section, nothing in this title shall be construed to diminish or to increase the jurisdiction of any State in the territorial sea of the United States.

(e) APPLICATION OF REGULATIONS—

(1) IN GENERAL.—Regulations promulgated under section 506(a) of this title shall apply within the boundaries of any State bordering on the Convention area if the Secretary has provided notice to such State, the State does not request an agency hearing, and the Secretary determines that the State—

(A) has not, within a reasonable period of time after the promulgation of regulations pursuant to this title, enacted laws or promulgated regulations that implement the recommendations of the Commission within the boundaries of such State; or

(B) has enacted laws or promulgated regulations that implement the recommendations of the commission within the boundaries of such State that—

(i) are less restrictive that the regulations promulgated under section 506(a) of this title; or

(ii) are not effectively enforced.

(2) DETERMINATION BY SECRETARY.—The regulations promulgated pursuant to section 506(a) of this title shall apply until the Secretary determines that the State is effectively enforcing within its boundaries measures that are not less restrictive than the regulations promulgated under section 506(a) of this title.

(3) HEARING.—If a State requests a formal agency hearing, the Secretary shall not apply the regulations promulgated pursuant section 506(a) of this title within that State's boundaries unless the hearing record supports a determination under paragraph (1)(A) or (B).

(f) REVIEW OF STATE LAWS AND REGULATIONS.—To ensure that the purposes of subsection (e) are carried out, the Secretary shall undertake a continuing review of the laws and regulations of all States to which subsection (e) applies or may apply and the extent to which such laws and regulations are enforced.

SEC. 509. TERRITORIAL PARTICIPATION.

The Secretary of State shall ensure participation in the Commission and its subsidiary bodies by American Samoa, Guam, and the Northern Mariana Islands to the same extent provided to the territories of other nations.

SEC. 510. EXCLUSIVE ECONOMIC ZONE NOTIFICATION.

Masters of commercial fishing vessels of nations fishing for species under the management authority of the Western and Central Pacific Fisheries Convention that do not carry vessel monitoring systems capable of communicating with United States enforcement authorities shall, prior to, or as soon as reasonably possible after, entering and transiting the Exclusive Economic Zone seaward of Hawaii and of the Commonwealths, territories, and possessions of the United States in the Pacific Ocean area—

(1) notify the United States Coast Guard or the National Marine Fisheries Service Office of Law Enforcement in the appropriate region of the name, flag state, location, route, and destination of the vessel and of the circumstances under which it will enter United States waters;

(2) ensure that all fishing gear on board the vessel is stowed below deck or otherwise removed from the place where it is normally used for fishing and placed where it is not readily available for fishing; and

(3) where requested by an enforcement officer, proceed to a specified location so that a vessel inspection can be conducted.

SEC. 511. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out this title and to pay the United States' contribution to the Commission under section 5 of part III of the WCPFC Convention.

TITLE VI—PACIFIC WHITING

SEC. 601. SHORT TITLE.

This title may be cited as the ''Pacific Whiting Act of 2006''.

SEC. 602. DEFINITIONS.

In this title:

(1) ADVISORY PANEL.—The term ''advisory panel'' means the Advisory Panel on Pacific Hake/Whiting established by the Agreement.

(2) AGREEMENT.—The term ''Agreement'' means the Agreement between the Government of the United States and the Government of Canada on Pacific Hake/Whiting, signed at Seattle, Washington, on November 21, 2003.

(3) CATCH.—The term ''catch'' means all fishery removals from the offshore whiting resource, including landings, discards, and bycatch in other fisheries.

(4) JOINT MANAGEMENT COMMITTEE.—The term ''joint management committee'' means the joint management committee established by the Agreement.

(5) JOINT TECHNICAL COMMITTEE.—The term ''joint technical committee'' means the joint technical committee established by the Agreement.

(6) OFFSHORE WHITING RESOURCE.—The term ''offshore whiting resource'' means the transboundary stock of *Merluccius productus* that is located in the offshore waters of the United States and Canada except in Puget Sound and the Strait of Georgia.

(7) SCIENTIFIC REVIEW GROUP.—The term ''scientific review group'' means the scientific review group established by the Agreement.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(9) UNITED STATES SECTION.—The term ''United States Section'' means the United States representatives on the joint management committee.

SEC. 603. UNITED STATES REPRESENTATION ON JOINT MANAGEMENT COMMITTEE.

(a) REPRESENTATIVES.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall appoint 4 individuals to represent the United States as the United States Section on the joint management committee. In making the

appointments, the Secretary shall select representatives from among individuals who are knowledgeable or experienced concerning the offshore whiting resource. Of these—

(A) 1 shall be an official of the National Oceanic and Atmospheric Administration;

(B) 1 shall be a member of the Pacific Fishery Management Council, appointed with consideration given to any recommendation provided by that Council;

(C) 1 shall be appointed from a list submitted by the treaty Indian tribes with treaty fishing rights to the offshore whiting resource; and

(D) 1 shall be appointed from the commercial sector of the whiting fishing industry concerned with the offshore whiting resource.

(2) TERM OF OFFICE.—Each representative appointed under paragraph (1) shall be appointed for a term not to exceed 4 years, except that, of the initial appointments, 2 representatives shall be appointed for terms of 2 years. Any individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual's predecessor shall be appointed for the remainder of that term. A representative may be appointed for a term of less than 4 years if such term is necessary to ensure that the term of office of not more than 2 representatives will expire in any single year. An individual appointed to serve as a representative is eligible for reappointment.

(3) CHAIR.—Unless otherwise agreed by all of the 4 representatives, the chair shall rotate annually among the 4 members, with the order of rotation determined by lot at the first meeting.

(b) ALTERNATE REPRESENTATIVES.—The Secretary, in consultation with the Secretary of State, may designate alternate representatives of the United States to serve on the joint management committee. An alternative representative may exercise, at any meeting of the committee, all the powers and duties of a representative in the absence of a duly designated representative for whatever reason.

SEC. 604. UNITED STATES REPRESENTATION ON THE SCIENTIFIC REVIEW GROUP.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall appoint no more than 2 scientific experts to serve on the scientific review group. An individual shall not be eligible to serve on the scientific review group while serving on the joint technical committee.

(b) TERM.—An individual appointed under subsection (a) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of a term of office of that individual's predecessor shall be appointed to serve for the remainder of that term.

(c) JOINT APPOINTMENTS.—In addition to individuals appointed under subsection (a), the Secretary, jointly with the Government of Canada, may appoint to the scientific review group, from a list of names provided by the advisory panel —

(1) up to 2 independent members of the scientific review group; and

(2) 2 public advisors.

SEC. 605. UNITED STATES REPRESENTATION ON JOINT TECHNICAL COMMITTEE.

(a) SCIENTIFIC EXPERTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall appoint at least 6 but not more than 12 individuals to serve as scientific experts on the joint technical committee, at least 1 of whom shall be an official of the National Oceanic and Atmospheric Administration.

(2) TERM OF OFFICE.—An individual appointed under paragraph (1) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual's predecessor shall be appointed for the remainder of that term.

(b) INDEPENDENT MEMBER.—In addition to individuals appointed under subsection (a), the Secretary, jointly with the Government of Canada, shall appoint 1 independent member to the joint technical committee selected from a list of names provided by the advisory panel.

SEC. 606. UNITED STATES REPRESENTATION ON ADVISORY PANEL.

(a) IN GENERAL.—

(1) APPOINTMENT.—The Secretary, in consultation with the Secretary of State, shall appoint at least 6 but not more than 12 individuals to serve as members of the advisory panel, selected from among individuals who are—

(A) knowledgeable or experienced in the harvesting, processing, marketing, management, conservation, or research of the offshore whiting resource; and

(B) not employees of the United States.

(2) TERM OF OFFICE.—An individual appointed under paragraph (1) shall be appointed for a term of not to exceed 4 years, but shall be eligible for reappointment. An individual appointed to fill a vacancy occurring prior to the expiration of the term of office of that individual's predecessor shall be appointed for the remainder of that term.

SEC. 607. RESPONSIBILITIES OF THE SECRETARY.

(a) IN GENERAL.—The Secretary is responsible for carrying out the Agreement and this title, including the authority, to be exercised in consultation with the Secretary of State, to accept or reject, on behalf of the United States, recommendations made by the joint management committee.

(b) REGULATIONS; COOPERATION WITH CANADIAN OFFICIALS.—In exercising responsibilities under this title, the Secretary—

(1) may promulgate such regulations as may be necessary to carry out the purposes and objectives of the Agreement and this title; and

(2) with the concurrence of the Secretary of State, may cooperate with officials of the Canadian Government duly authorized to carry out the Agreement.

SEC. 608. RULEMAKING.

(a) APPLICATION WITH MAGNUSON-STEVENS ACT.—The Secretary shall establish the United States catch level for Pacific whiting according to the standards and procedures of the Agreement and this title rather than under the standards and procedures of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), except to the extent necessary to address the rebuilding needs of other species. Except for establishing the catch level, all other aspects of Pacific whiting management shall be—

(1) subject to the Magnuson-Stevens Fishery Conservation and Management Act; and

(2) consistent with this title.

(b) JOINT MANAGEMENT COMMITTEE RECOMMENDATIONS.—For any year in which both parties to the Agreement approve recommendations made by the joint management committee with respect to the catch level, the Secretary shall implement the approved recommendations. Any regulation promulgated by the Secretary to implement any such recommendation shall apply, as necessary, to all persons and all vessels subject to the jurisdiction of the United States wherever located.

(c) YEARS WITH NO APPROVED CATCH RECOMMENDATIONS.—If the parties to the Agreement do not approve the joint management committee's recommendation with respect to the catch level for any year, the Secretary shall establish the total allowable catch for Pacific whiting for the United States catch. In establishing the total allowable catch under this subsection, the Secretary shall—

(1) take into account any recommendations from the Pacific Fishery Management Council, the joint management committee, the joint technical committee, the scientific review group, and the advisory panel;

(2) base the total allowable catch on the best scientific information available;

(3) use the default harvest rate set out in paragraph 1 of Article III of the Agreement unless the Secretary determines that the scientific evidence demonstrates that a different rate is necessary to sustain the offshore whiting resource; and

(4) establish the United State's share of the total allowable catch based on paragraph 2 of Article III of the Agreement and make any adjustments necessary under section 5 of Article II of the Agreement.

SEC. 609. ADMINISTRATIVE MATTERS.

(a) EMPLOYMENT STATUS.—Individuals appointed under section 603, 604, 605, or 606 of this title who are serving as such Commissioners, other than officers or employees of the United States Government, shall be considered to be Federal employees while performing such service, only for purposes of—

(1) injury compensation under chapter 81 of title 5, United States Code;

(2) requirements concerning ethics, conflicts of interest, and corruption as provided under title 18, United States Code; and

(3) any other criminal or civil statute or regulation governing the conduct of Federal employees.

(b) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), an individual appointed under this title shall receive no compensation for the individual's service as a representative, alternate representative, scientific expert, or advisory panel member under this title.

(2) SCIENTIFIC REVIEW GROUP.—Notwithstanding paragraph (1), the Secretary may employ and fix the compensation of an individual appointed under section 604(a) to serve as a scientific expert on the scientific review group who is not employed by the United States government, a State government, or an Indian tribal government in accordance with section 3109 of title 5, United States Code.

(c) TRAVEL EXPENSES.—Except as provided in subsection (d), the Secretary shall pay the necessary travel expenses of individuals appointed under this title in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(d) JOINT APPOINTEES.—With respect to the 2 independent members of the scientific review group and the 2 public advisors to the scientific review group jointly appointed under section 604(c), and the 1 independent member to the joint technical committee jointly appointed under section 605(b), the Secretary may pay up to 50 percent of—

(1) any compensation paid to such individuals; and

(2) the necessary travel expenses of such individuals.

SEC. 610. ENFORCEMENT.

(a) IN GENERAL.—The Secretary may—

(1) administer and enforce this title and any regulations issued under this title;

(2) request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in the administration and enforcement of this title; and

(3) collect, utilize, and disclose such information as may be necessary to implement

the Agreement and this title, subject to sections 552 and 552a of title 5, United States Code.

(b) PROHIBITED ACTS.—It is unlawful for any person to violate any provision of this title or the regulations promulgated under this title.

(c) ACTIONS BY THE SECRETARY.—The Secretary shall prevent any person from violating this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) were incorporated into and made a part of this title. Any person that violates any provision of this title is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of that Act were incorporated into and made a part of this title.

(d) PENALTIES.—This title shall be enforced by the Secretary as if a violation of this title or of any regulation promulgated by the Secretary under this title were a violation of section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857).

SEC. 611. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the obligations of the United States under the Agreement and this title.

TITLE VII—MISCELLANEOUS

SEC. 701. STUDY OF THE ACIDIFICATION OF THE OCEANS AND EFFECT ON FISHERIES.

The Secretary of Commerce shall request the National Research Council to conduct a study of the acidification of the oceans and how this process affects the United States.

SEC. 702. RULE OF CONSTRUCTION.

(a) IN GENERAL.—Title VI of Public Law 109–295is amended by adding at the end the following:

"SEC. 699A. RULE OF CONSTRUCTION.

''Nothing in this title, including the amendments made by this title, may be construed to reduce or otherwise limit the authority of the Department of Commerce or the Federal Communications Commission.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as though enacted as part of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295).

SEC. 703. PUGET SOUND REGIONAL SHELLFISH SETTLEMENT.

(a) FINDINGS AND PURPOSE.—

(1) Findings.—Congress finds that—

(A) the Tribes have established treaty rights to take shellfish from public and private tidelands in Washington State, including from some lands owned, leased, or otherwise subject to harvest by commercial shellfish growers;

(B) the district court that adjudicated the Tribes' treaty rights to take shellfish found that the growers are innocent purchasers who had no notice of the Tribes' fishing right when they acquired their properties;

(C) numerous unresolved issues remain outstanding regarding implementation of the Tribes' treaty right to take shellfish from lands owned, leased, or otherwise subject to harvest by the growers;

(D) the Tribes, the growers, the State of Washington, and the United States Department of the Interior have resolved by a settlement agreement many of the disputes between and among them regarding implementation of the Tribes' treaty right to take shellfish from covered tidelands owned or leased by the growers;

(E) the settlement agreement does not provide for resolution of any claims to take shellfish from lands owned or leased by the growers that potentially may be brought in the future by other Tribes;

(F) in the absence of congressional actions, the prospect of other Tribes claims to take shellfish from lands owned or leased by the growers could be pursued through the courts, a process which in all likelihood could consume many years and thereby promote uncertainty in the State of Washington and the growers and to the ultimate detriment of both the Tribes and other Tribes and their members;

(G) in order to avoid this uncertainty, it is the intent of Congress that other Tribes have the option of resolving their claims, if any, to a treaty right to take shellfish from covered tidelands owned or leased by the growers; and

(H) this Act represents a good faith effort on the part of Congress to extend to other Tribes the same fair and just option of resolving their claims to take shellfish from covered tidelands owned or leased by the growers that the Tribes have agreed to in the settlement agreement.

(2) PURPOSE.—The purposes of this section are—

(A) to approve, ratify, and confirm the settlement agreement entered into by and among the Tribes, commercial shellfish growers, the State of Washington, and the United States;

(B) to provide other Tribes with a fair and just resolution of any claims to take shellfish from covered tidelands, as that term is defined in the settlement agreement, that potentially could be brought in the future by other Tribes; and

(C) to authorize the Secretary to implement the terms and conditions of the settlement agreement and this section.

(b) APPROVAL OF SETTLEMENT AGREEMENT.—

(1) IN GENERAL.—The settlement agreement is hereby approved, ratified, and confirmed, and section 6 of the settlement agreement, Release of Claims, is specifically adopted and incorporated into this section as if fully set forth herein.

(2) AUTHORIZATION FOR IMPLEMENTATION.—The Secretary is hereby authorized to implement the terms and conditions of the settlement agreement in accordance with the settlement agreement and this section.

(c) FUND, SPECIAL HOLDING ACCOUNT, AND CONDITIONS.—

(1) PUGET SOUND REGIONAL SHELLFISH SETTLEMENT TRUST FUND.—

(A) There is hereby established in the Treasury of the United States an account to be designated as the ''Puget Sound Regional Shellfish Settlement Trust Fund''. The Secretary shall deposit funds in the amount of $22,000,000 at such time as appropriated pursuant to this section into the Fund.

(B) The Fund shall be maintained and invested by the Secretary of the Interior pursuant to the Act of June 24, 1938, (25 U.S.C. 162a) until such time as all monies are transferred from the Fund.

(C) The Secretary shall transfer monies held in the Fund to each Tribe of the Tribes in the amounts and manner specified by and in accordance with the payment agreement established pursuant to the settlement agreement and this section.

(2) Puget sound regional shellfish settlement special holding account.—

(A) There is hereby established in the Treasury of the United States a fund to be designated as the ''Puget Sound Regional Shellfish Settlement Special Holding Account''. The Secretary shall deposit funds in the amount of $1,500,000 into the Special Holding Account in fiscal year 2011 at such time as such funds are appropriated pursuant to this section.

(B) The Special Holding Account shall be maintained and invested by the Secretary of the Interior pursuant to the Act of June 24, 1938, (25 U.S.C. 162a) until such time as all monies are transferred from the Special Holding Account.

(C) If a court of competent jurisdiction renders a final decision declaring that any of the other Tribes has an established treaty right to take or harvest shellfish in covered tidelands, as that term is defined in the settlement agreement, and such tribe opts to accept a share of the Special Holding Account, rather than litigate this claim against the growers, the Secretary shall transfer the appropriate share of the monies held in the Special Holding Account to each such tribe of the other Tribes in the amounts appropriate to compensate the other Tribes in the same manner and for the same purposes as the Tribes who are signatory to the settlement agreement. Such a transfer to a tribe shall constitute full and complete satisfaction of that tribe's claims to shellfish on the covered tidelands.

(D) The Secretary may retain such amounts of the Special Holding Account as necessary to provide for additional tribes that may judicially establish their rights to take shellfish in the covered tidelands within the term of that Account, provided that the Secretary pays the remaining balance to the other Tribes prior to the expiration of the term of the Special Holding Account.

(E) The Tribes shall have no interest, possessory or otherwise, in the Special Holding Account.

(F) Twenty years after the deposit of funds into the Special Holding Account, the Secretary shall close the Account and transfer the balance of any funds held in the Special Holding Account at that time to the Treasury. However, the Secretary may continue to maintain the Special Holding Account in order to resolve the claim of an Other Tribe that has notified the Secretary in writing within the 20-year term of that Tribe's interest in resolving its claim in the manner provided for in this section.

(G) It is the intent of Congress that the other Tribes, if any, shall have the option of agreeing to similar rights and responsibilities as the Tribes that are signatories to the settlement agreement, if they opt not to litigate against the growers.

(3) ANNUAL REPORT.—Each tribe of the Tribes, or any of the other Tribes accepting a settlement of its claims to shellfish on covered lands pursuant to paragraph (2)(C), shall submit to the Secretary an annual report that describes all expenditures made with monies withdrawn from the Fund or Special Holding Account during the year covered by the report.

(4) JUDICIAL AND ADMINISTRATIVE ACTION.—The Secretary may take judicial or administrative action to ensure that any monies withdrawn from the Fund or Special Holding Account are used in accordance with the purposes described in the settlement agreement and this section.

(5) CLARIFICATION OF TRUST RESPONSIBILITY.—Beginning on the date that monies are transferred to a tribe of the Tribes or a tribe of the other Tribes pursuant to this section, any trust responsibility or liability of the United States with respect to the expenditure or investment of the monies withdrawn shall cease.

(d) STATE OF WASHINGTON PAYMENT.—The Secretary shall not be accountable for nor incur any liability for the collection, deposit, management or nonpayment of the State of Washington payment of $11,000,000

to the Tribes pursuant to the settlement agreement.

(e) RELEASE OF OTHER TRIBES CLAIMS.—

(1) RIGHT TO BRING ACTIONS.—As of the date of enactment of this section, all right of any other Tribes to bring an action to enforce or exercise its treaty rights to take shellfish from public and private tidelands in Washington State, including from some lands owned, leased, or otherwise subject to harvest by any and all growers shall be determined in accordance with the decisions of the Courts of the United States in United States v. Washington, Civ. No. 9213 (Western District of Washington).

(2) CERTAIN RIGHTS GOVERNED BY THIS SECTION.—If a tribe falling within the other Tribes category opts to resolve its claims to take shellfish from covered tidelands owned or leased by the growers pursuant to subsection (c)(2)(C) of this section, that tribe's rights shall be governed by this section, as well as by the decisions of the Courts in United States v. Washington, Civ. No. 9213.

(3) NO BREACH OF TRUST.—Notwithstanding whether the United States has a duty to initiate such an action, the failure or declination by the United States to initiate any action to enforce any other Tribe's or other Tribes' treaty rights to take shellfish from public and private tidelands in Washington State, including from covered tidelands owned, leased, or otherwise subject to harvest by any and all growers shall not constitute a breach of trust by the United States or be compensable to other Tribes.

(f) CAUSE OF ACTION.—If any payment by the United States is not paid in the amount or manner specified by this section, or is not paid within 6 months after the date specified by the settlement agreement, such failure shall give rise to a cause of action by the Tribes either individually or collectively against the United States for money damages for the amount authorized but not paid to the Tribes, and the Tribes, either individually or collectively, are authorized to bring an action against the United States in the United States Court of Federal Claims for such funds plus interest.

(g) DEFINITIONS.—In this section:

(1) FUND.—The term ''Fund'' means the Puget Sound Shellfish Settlement Trust Fund Account established by this section.

(2) GROWERS.—The term ''growers'' means Taylor United, Inc.; Olympia Oyster Company; G.R. Clam & Oyster Farm; Cedric E. Lindsay; Minterbrook Oyster Company; Charles and Willa Murray; Skookum Bay Oyster Company; J & G Gunstone Clams, Inc.; and all persons who qualify as 'growers' in accordance with and pursuant to the settlement agreement.

(3) OTHER TRIBES.—The term ''other Tribes'' means any federally recognized Indian nation or tribe other than the Tribes described in paragraph (6) that, within 20 years after the deposit of funds in the Special Holding Account, establishes a legally enforceable treaty right to take shellfish from covered tidelands described in the settlement agreement, owned, leased or otherwise subject to harvest by those persons or entities that qualify as growers.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) SETTLEMENT AGREEMENT.— The term ''settlement agreement'' means the settlement agreement entered into by and between the Tribes, commercial shellfish growers, the State of Washington and the United States, to resolve certain disputes between and among them regarding implementation of the Tribes' treaty right to take shellfish from certain covered tidelands owned, leased or otherwise subject to harvest by the growers.

(6) TRIBES.—The term ''Tribes'' means the following federally recognized Tribes that executed the settlement agreement: Tulalip, Stillaguamish, Sauk Suiattle, Puyallup, Squaxin Island, Makah, Muckleshoot, Upper Skagit, Nooksack, Nisqually, Skokomish, Port Gamble S'Klallam, Lower Elwha Klallam, Jamestown S'Klallam, and Suquamish Tribes, the Lummi Nation, and the Swinomish Indian Tribal Community.

(7) SPECIAL HOLDING ACCOUNT.—The term ''Special Holding Account'' means the Puget Sound Shellfish Settlement Special Holding Account established by this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $23,500,000 to carry out this section—

(A) $2,000,000 for fiscal year 2007;

(B) $5,000,000 for each of fiscal years 2008 through 2010; and

(C) $6,500,000 for fiscal year 2011.

TITLE VIII—TSUNAMI WARNING AND EDUCATION

SEC. 801. SHORT TITLE.

This title may be cited as the ''Tsunami Warning and Education Act''.

SEC. 802. DEFINITIONS.

In this title:

(1) The term ''Administration'' means the National Oceanic and Atmospheric Administration.

(2) The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

SEC. 803. PURPOSES.

The purposes of this title are—

(1) to improve tsunami detection, forecasting, warnings, notification, outreach, and mitigation to protect life and property in the United States;

(2) to enhance and modernize the existing Pacific Tsunami Warning System to increase coverage, reduce false alarms, and increase the accuracy of forecasts and warnings, and to expand detection and warning systems to include other vulnerable States and United States territories, including the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico areas;

(3) to improve mapping, modeling, research, and assessment efforts to improve tsunami detection, forecasting, warnings, notification, outreach, mitigation, response, and recovery;

(4) to improve and increase education and outreach activities and ensure that those receiving tsunami warnings and the at-risk public know what to do when a tsunami is approaching;

(5) to provide technical and other assistance to speed international efforts to establish regional tsunami warning systems in vulnerable areas worldwide, including the Indian Ocean; and

(6) to improve Federal, State, and international coordination for detection, warnings, and outreach for tsunami and other coastal impacts.

SEC. 804. TSUNAMI FORECASTING AND WARNING PROGRAM.

(a) IN GENERAL.—The Administrator, through the National Weather Service and in consultation with other relevant Administration offices, shall operate a program to provide tsunami detection, forecasting, and warnings for the Pacific and Arctic Ocean regions and for the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico region.

(b) COMPONENTS.—The program under this section shall—

(1) include the tsunami warning centers established under subsection (d);

(2) utilize and maintain an array of robust tsunami detection technologies;

(3) maintain detection equipment in operational condition to fulfill the detection, forecasting, and warning requirements of this title;

(4) provide tsunami forecasting capability based on models and measurements, including tsunami inundation models and maps for use in increasing the preparedness of communities, including through the TsunamiReady program;

(5) maintain data quality and management systems to support the requirements of the program;

(6) include a cooperative effort among the Administration, the United States Geological Survey, and the National Science Foundation under which the Geological Survey and the National Science Foundation shall provide rapid and reliable seismic information to the Administration from international and domestic seismic networks;

(7) provide a capability for the dissemination of warnings to at-risk States and tsunami communities through rapid and reliable notification to government officials and the public, including utilization of and coordination with existing Federal warning systems, including the National Oceanic and Atmospheric Administration Weather Radio All Hazards Program;

(8) allow, as practicable, for integration of tsunami detection technologies with other environmental observing technologies; and

(9) include any technology the Administrator considers appropriate to fulfill the objectives of the program under this section.

(c) SYSTEM AREAS.—The program under this section shall operate—

(1) a Pacific tsunami warning system capable of forecasting tsunami anywhere in the Pacific and Arctic Ocean regions and providing adequate warnings; and

(2) an Atlantic Ocean, Caribbean Sea, and Gulf of Mexico tsunami warning system capable of forecasting tsunami and providing adequate warnings in areas of the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico that are determined—

(A) to be geologically active, or to have significant potential for geological activity; and

(B) to pose significant risks of tsunami for States along the coastal areas of the Atlantic Ocean, Caribbean Sea, or Gulf of Mexico.

(d) TSUNAMI WARNING CENTERS.—

(1) IN GENERAL.—The Administrator, through the National Weather Service, shall maintain or establish—

(A) a Pacific Tsunami Warning Center in Hawaii;

(B) a West Coast and Alaska Tsunami Warning Center in Alaska; and

(C) any additional forecast and warning centers determined by the National Weather Service to be necessary.

(2) RESPONSIBILITIES.—The responsibilities of each tsunami warning center shall include—

(A) continuously monitoring data from seismological, deep ocean, and tidal monitoring stations;

(B) evaluating earthquakes that have the potential to generate tsunami;

(C) evaluating deep ocean buoy data and tidal monitoring stations for indications of tsunami resulting from earthquakes and other sources;

(D) disseminating forecasts and tsunami warning bulletins to Federal, State, and local government officials and the public;

(E) coordinating with the tsunami hazard mitigation program described in section 805 to ensure ongoing sharing of information between forecasters and emergency management officials; and

(F) making data gathered under this title and post-warning analyses conducted by the National Weather Service or other relevant Administration offices available to researchers.

(e) TRANSFER OF TECHNOLOGY; MAINTENANCE AND UPGRADES.—

(1) IN GENERAL.—In carrying out this section, the National Weather Service, in consultation with other relevant Administration offices, shall—

(A) develop requirements for the equipment used to forecast tsunami, which shall include provisions for multipurpose detection platforms, reliability and performance metrics, and to the maximum extent practicable how the equipment will be integrated with other United States and global ocean and coastal observation systems, the global earth observing system of systems, global seismic networks, and the Advanced National Seismic System;

(B) develop and execute a plan for the transfer of technology from ongoing research described in section 806 into the program under this section; and

(C) ensure that maintaining operational tsunami detection equipment is the highest priority within the program carried out under this title.

(2) REPORT TO CONGRESS.—

(A) Not later than 1 year after the date of enactment of this Act, the National Weather Service, in consultation with other relevant Administration offices, shall transmit to Congress a report on how the tsunami forecast system under this section will be integrated with other United States and global ocean and coastal observation systems, the global earth observing system of systems, global seismic networks, and the Advanced National Seismic System.

(B) Not later than 3 years after the date of enactment to this Act, the National Weather Service, in consultation with other relevant Administration offices, shall transmit a report to Congress on how technology developed under section 806 is being transferred into the program under this section.

(f) FEDERAL COOPERATION.—When deploying and maintaining tsunami detection technologies, the Administrator shall seek the assistance and assets of other appropriate Federal agencies.

(g) ANNUAL EQUIPMENT CERTIFICATION.—At the same time Congress receives the budget justification documents in support of the President's annual budget request for each fiscal year, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a certification that—

(1) identifies the tsunami detection equipment deployed pursuant to this title, as of December 31 of the preceding calendar year;

(2) certifies which equipment is operational as of December 31 of the preceding calendar year;

(3) in the case of any piece of such equipment that is not operational as of such date, identifies that equipment and describes the mitigation strategy that is in place—

(A) to repair or replace that piece of equipment within a reasonable period of time; or

(B) to otherwise ensure adequate tsunami detection coverage;

(4) identifies any equipment that is being developed or constructed to carry out this title but which has not yet been deployed, if the Administration has entered into a contract for that equipment prior to December 31 of the preceding calendar year, and provides a schedule for the deployment of that equipment; and

(5) certifies that the Administrator expects the equipment described in paragraph (4) to meet the requirements, cost, and schedule provided in that contract.

(h) CONGRESSIONAL NOTIFICATIONS.—The Administrator shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives within 30 days of—

(1) impaired regional forecasting capabilities due to equipment or system failures; and

(2) significant contractor failures or delays in completing work associated with the tsunami forecasting and warning system.

(i) REPORT.—Not later than January 31, 2010, the Comptroller General of the United States shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives that—

(1) evaluates the current status of the tsunami detection, forecasting, and warning system and the tsunami hazard mitigation program established under this title, including progress toward tsunami inundation mapping of all coastal areas vulnerable to tsunami and whether there has been any degradation of services as a result of the expansion of the program;

(2) evaluates the National Weather Service's ability to achieve continued improvements in the delivery of tsunami detection, forecasting, and warning services by assessing policies and plans for the evolution of modernization systems, models, and computational abilities (including the adoption of new technologies); and

(3) lists the contributions of funding or other resources to the program by other Federal agencies, particularly agencies participating in the program.

(j) EXTERNAL REVIEW.—The Administrator shall enter into an arrangement with the National Academy of Sciences to review the tsunami detection, forecast, and warning program established under this title to assess further modernization and coverage needs, as well as long-term operational reliability issues, taking into account measures implemented under this title. The review shall also include an assessment of how well the forecast equipment has been integrated into other United States and global ocean and coastal observation systems and the global earth observing system of systems. Not later than 2 years after the date of enactment of this Act, the Administrator shall transmit a report containing the National Academy of Sciences' recommendations, the Administrator's responses to the recommendations, including those where the Administrator disagrees with the Academy, a timetable to implement the accepted recommendations, and the cost of implementing all the Academy's recommendations, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

(k) REPORT.—Not later than 3 months after the date of enactment of this Act, the Administrator shall establish a process for monitoring and certifying contractor performance in carrying out the requirements of any contract to construct or deploy tsunami detection equipment, including procedures and penalties to be imposed in cases of significant contractor failure or negligence.

SEC. 805. NATIONAL TSUNAMI HAZARD MITIGATION PROGRAM.

(a) IN GENERAL.—The Administrator, through the National Weather Service and in consultation with other relevant Administration offices, shall conduct a community-based tsunami hazard mitigation program to improve tsunami preparedness of at-risk areas in the United States and its territories.

(b) COORDINATING COMMITTEE.—In conducting the program under this section, the Administrator shall establish a coordinating committee comprising representatives of Federal, State, local, and tribal government officials. The Administrator may establish subcommittees to address region-specific issues. The committee shall—

(1) recommend how funds appropriated for carrying out the program under this section will be allocated;

(2) ensure that areas described in section 804(c) in the United States and its territories can have the opportunity to participate in the program;

(3) provide recommendations to the National Weather Service on how to improve the TsunamiReady program, particularly on ways to make communities more tsunami resilient through the use of inundation maps and other mitigation practices; and

(4) ensure that all components of the program are integrated with ongoing hazard warning and risk management activities, emergency response plans, and mitigation programs in affected areas, including integrating information to assist in tsunami evacuation route planning.

(c) PROGRAM COMPONENTS.—The program under this section shall—

(1) use inundation models that meet a standard of accuracy defined by the Administration to improve the quality and extent of inundation mapping, including assessment of vulnerable inner coastal and nearshore areas, in a coordinated and standardized fashion to maximize resources and the utility of data collected;

(2) promote and improve community outreach and education networks and programs to ensure community readiness, including the development of comprehensive coastal risk and vulnerability assessment training and decision support tools, implementation of technical training and public education programs, and providing for certification of prepared communities;

(3) integrate tsunami preparedness and mitigation programs into ongoing hazard warning and risk management activities, emergency response plans, and mitigation programs in affected areas, including integrating information to assist in tsunami evacuation route planning;

(4) promote the adoption of tsunami warning and mitigation measures by Federal, State, tribal, and local governments and nongovernmental entities, including educational programs to discourage development in high-risk areas; and

(5) provide for periodic external review of the program.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to require a change in the chair of any existing tsunami hazard mitigation program subcommittee.

SEC. 806. TSUNAMI RESEARCH PROGRAM.

The Administrator shall, in consultation with other agencies and academic institutions, and with the coordinating committee established under section 805(b), establish or maintain a tsunami research program to develop detection, forecast, communication, and mitigation science and technology, including advanced sensing techniques, information and communication technology, data collection, analysis, and assessment for tsunami tracking and numerical forecast modeling. Such research program shall—

(1) consider other appropriate research to mitigate the impact of tsunami;

(2) coordinate with the National Weather Service on technology to be transferred to operations;

(3) include social science research to develop and assess community warning, education, and evacuation materials; and

(4) ensure that research and findings are available to the scientific community.

SEC. 807. GLOBAL TSUNAMI WARNING AND MITIGATION NETWORK.

(a) INTERNATIONAL TSUNAMI WARNING SYSTEM.—The Administrator, through the National Weather Service and in consultation

with other relevant Administration offices, in coordination with other members of the United States Interagency Committee of the National Tsunami Hazard Mitigation Program, shall provide technical assistance and training to the Intergovernmental Oceanographic Commission, the World Meteorological Organization, and other international entities, as part of international efforts to develop a fully functional global tsunami forecast and warning system comprising regional tsunami warning networks, modeled on the International Tsunami Warning System of the Pacific.

(b) INTERNATIONAL TSUNAMI INFORMATION CENTER.—The Administrator, through the National Weather Service and in consultation with other relevant Administration offices, in cooperation with the Intergovernmental Oceanographic Commission, shall operate an International Tsunami Information Center to improve tsunami preparedness for all Pacific Ocean nations participating in the International Tsunami Warning System of the Pacific, and may also provide such assistance to other nations participating in a global tsunami warning system established through the Intergovernmental Oceanographic Commission. As part of its responsibilities around the world, the Center shall—

(1) monitor international tsunami warning activities around the world;

(2) assist member states in establishing national warning systems, and make information available on current technologies for tsunami warning systems;

(3) maintain a library of materials to promulgate knowledge about tsunami in general and for use by the scientific community; and

(4) disseminate information, including educational materials and research reports.

(c) DETECTION EQUIPMENT; TECHNICAL ADVICE AND TRAINING.—In carrying out this section, the National Weather Service—

(1) shall give priority to assisting nations in identifying vulnerable coastal areas, creating inundation maps, obtaining or designing real-time detection and reporting equipment, and establishing communication and warning networks and contact points in each vulnerable nation;

(2) may establish a process for transfer of detection and communication technology to affected nations for the purposes of establishing the international tsunami warning system; and

(3) shall provide technical and other assistance to support international tsunami programs.

(d) DATA-SHARING REQUIREMENT.—The National Weather Service, when deciding to provide assistance under this section, may take into consideration the data sharing policies and practices of nations proposed to receive such assistance, with a goal to encourage all nations to support full and open exchange of data.

SEC. 808. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator to carry out this title—

(1) $25,000,000 for fiscal year 2008, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 805; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 806;

(2) $26,000,000 for fiscal year 2009, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 805; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 806;

(3) $27,000,000 for fiscal year 2010, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 805; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 806;

(4) $28,000,000 for fiscal year 2011, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 805; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 806; and

(5) $29,000,000 for fiscal year 2012, of which—

(A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 805; and

(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 806.

TITLE IX—POLAR BEARS

SEC. 901. SHORT TITLE.

This title may be cited as the ''United States-Russia Polar Bear Conservation and Management Act of 2006''.

SEC. 902. AMENDMENT OF MARINE MAMMAL PROTECTION ACT OF 1972.

(a) IN GENERAL.—The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended by adding at the end thereof the following:

''TITLE V—POLAR BEARS

''SEC. 501. DEFINITIONS.

''In this title:

''(1) AGREEMENT.—The term ''Agreement'' means the Agreement Between the Government of the United States of America and the Government of the Russian Federation on the Conservation and Management of the Alaska-Chukotka Polar Bear Population, signed at Washington, D.C., on October 16, 2000.

''(2) ALASKA NANUUQ COMMISSION.—The term ''Alaska Nanuuq Commission'' means the Alaska Native entity, in existence on the date of enactment of the United States-Russia Polar Bear Conservation and Management Act of 2006, that represents all villages in the State of Alaska that engage in the annual subsistence taking of polar bears from the Alaska-Chukotka population and any successor entity.

''(3) IMPORT.—The term ''import'' means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, without regard to whether the landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

''(4) POLAR BEAR PART OR PRODUCT.—The term ''part or product of a polar bear'' means any polar bear part or product, including the gall bile and gall bladder.

''(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

''(6) TAKING.—The term ''taking'' has the meaning given the term in the Agreement.

''(7) COMMISSION.—The term ''Commission'' means the commission established under article 8 of the Agreement.

''SEC. 502. PROHIBITIONS.

''(a) IN GENERAL.—It is unlawful for any person who is subject to the jurisdiction of the United States or any person in waters or on lands under the jurisdiction of the United States—

''(1) to take any polar bear in violation of the Agreement;

''(2) to take any polar bear in violation of the Agreement or any annual taking limit or other restriction on the taking of polar bears that is adopted by the Commission pursuant to the Agreement;

''(3) to import, export, possess, transport, sell, receive, acquire, or purchase, exchange, barter, or offer to sell, purchase, exchange, or barter any polar bear, or any part or product of a polar bear, that is taken in violation of paragraph (2);

''(4) to import, export, sell, purchase, exchange, barter, or offer to sell, purchase, exchange, or barter, any polar bear gall bile or polar bear gall bladder;

''(5) to attempt to commit, solicit another person to commit, or cause to be committed, any offense under this subsection; or

''(6) to violate any regulation promulgated by the Secretary to implement any of the prohibitions established in this subsection.

''(b) EXCEPTIONS.—For the purpose of forensic testing or any other law enforcement purpose, the Secretary, and Federal law enforcement officials, and any State or local law enforcement official authorized by the Secretary, may import a polar bear or any part or product of a polar bear.

''SEC. 503. ADMINISTRATION.

''(a) IN GENERAL.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall do all things necessary and appropriate, including the promulgation of regulations, to implement, enforce, and administer the provisions of the Agreement on behalf of the United States. The Secretary shall consult with the Secretary of State and the Alaska Nanuuq Commission on matters involving the implementation of the Agreement.

''(b) UTILIZATION OF OTHER GOVERNMENT RESOURCES AND AUTHORITIES.—

''(1) OTHER GOVERNMENT RESOURCES.—The Secretary may utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency, any State agency, or the Alaska Nanuuq Commission for purposes of carrying out this title or the Agreement.

''(2) OTHER POWERS AND AUTHORITIES.—Any person authorized by the Secretary under this subsection to enforce this title or the Agreement shall have the authorities that are enumerated in section 6(b) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(b)).

''(c) ENSURING COMPLIANCE.—

''(1) TITLE I AUTHORITIES.—The Secretary may use authorities granted under title I for enforcement, imposition of penalties, and the seizure of cargo for violations under this title, provided that any polar bear or any part or product of a polar bear taken, imported, exported, possessed, transported, sold, received, acquired, purchased, exchanged, or bartered, or offered for sale, purchase, exchange, or barter in violation of this title, shall be subject to seizure and forfeiture to the United States without any showing that may be required for assessment of a civil penalty or for criminal prosecution under this Act.

''(2) ADDITIONAL AUTHORITIES.—Any gun, trap, net, or other equipment used, and any vessel, aircraft, or other means of transportation used, to aid in the violation or attempted violation of this title shall be subject to seizure and forfeiture under section 106.

''(d) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall promulgate such regulations as are necessary to carry out this title and the Agreement.

''(2) ORDINANCES AND REGULATIONS.—If necessary to carry out this title and the Agreement, and to improve compliance with any annual taking limit or other restriction on taking adopted by the Commission and implemented by the Secretary in accordance with this title, the Secretary may promulgate regulations that adopt any ordinance or regulation that restricts the taking of polar bears for subsistence purposes if the ordinance or regulation has been promulgated by the Alaska Nanuuq Commission.

''SEC. 504. COOPERATIVE MANAGEMENT AGREEMENT; AUTHORITY TO DELEGATE ENFORCEMENT AUTHORITY.

''(a) IN GENERAL.—The Secretary, acting through the Director of the United States

Fish and Wildlife Service, may share authority under this title for the management of the taking of polar bears for subsistence purposes with the Alaska Nanuuq Commission if such commission is eligible under subsection (b).

''(b) DELEGATION.—To be eligible for the management authority described in subsection (a), the Alaska Nanuuq Commission shall—

''(1) enter into a cooperative agreement with the Secretary under section 119 for the conservation of polar bears;

''(2) meaningfully monitor compliance with this title and the Agreement by Alaska Natives; and

''(3) administer its co-management program for polar bears in accordance with—

''(A) this title; and

''(B) the Agreement.

''SEC. 505. COMMISSION APPOINTMENTS; COMPENSATION, TRAVEL EXPENSES, AND CLAIMS.

''(a) APPOINTMENT OF U.S. COMMISSIONERS.—

''(1) APPOINTMENT.—The United States commissioners on the Commission shall be appointed by the President, in accordance with paragraph 2 of article 8 of the Agreement, after taking into consideration the recommendations of—

''(A) the Secretary;

''(B) the Secretary of State; and

''(C) the Alaska Nanuuq Commission.

''(2) QUALIFICATIONS.—With respect to the United States commissioners appointed under this subsection, in accordance with paragraph 2 of article 8 of the Agreement—

''(A) 1 United States commissioner shall be an official of the Federal Government;

''(B) 1 United States commissioner shall be a representative of the Native people of Alaska, and, in particular, the Native people for whom polar bears are an integral part of their culture; and

''(C) both commissioners shall be knowledgeable of, or have expertise in, polar bears.

''(3) SERVICE AND TERM.—Each United States commissioner shall serve—

''(A) at the pleasure of the President; and

''(B) for an initial 4-year term and such additional terms as the President shall determine.

''(4) VACANCIES.—

''(A) IN GENERAL.—Any individual appointed to fill a vacancy occurring before the expiration of any term of office of a United States commissioner shall be appointed for the remainder of that term.

''(B) MANNER.—Any vacancy on the Commission shall be filled in the same manner as the original appointment.

''(b) ALTERNATE COMMISSIONERS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State and the Alaska Nanuuq Commission, shall designate an alternate commissioner for each member of the United States section.

''(2) DUTIES.—In the absence of a United States commissioner, an alternate commissioner may exercise all functions of the United States commissioner at any meetings of the Commission or of the United States section.

''(3) REAPPOINTMENT.—An alternate commissioner—

''(A) shall be eligible for reappointment by the President; and

''(B) may attend all meetings of the United States section.

''(c) DUTIES.—The members of the United States section may carry out the functions and responsibilities described in article 8 of the Agreement in accordance with this title and the Agreement.

''(d) COMPENSATION AND EXPENSES.—

''(1) COMPENSATION.—A member of the United States section shall serve without compensation.

''(2) TRAVEL EXPENSES.—A member of the United States section 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 United States-Russia Polar Bear Commission.

''(e) AGENCY DESIGNATION.—The United States section shall, for the purpose of title 28, United States Code, relating to claims against the United States and tort claims procedure, be considered to be a Federal agency.

''SEC. 506. VOTES TAKEN BY THE UNITED STATES SECTION ON MATTERS BEFORE THE COMMISSION.

''In accordance with paragraph 3 of article 8 of the Agreement, the United States section, made up of commissioners appointed by the President, shall vote on any issue before the United States-Russia Polar Bear Commission only if there is no disagreement between the United States commissioners regarding the vote.

''SEC. 507. IMPLEMENTATION OF ACTIONS TAKEN BY THE COMMISSION.

''(a) IN GENERAL.—The Secretary shall take all necessary actions to implement the decisions and determinations of the Commission under paragraph 7 of article 8 of the Agreement.

''(b) TAKING LIMITATION.—Not later than 60 days after the date on which the Secretary receives notice of the determination of the Commission of an annual taking limit, or of the adoption by the Commission of other restriction on the taking of polar bears for subsistence purposes, the Secretary shall publish a notice in the Federal Register announcing the determination or restriction.

''SEC. 508. APPLICATION WITH OTHER TITLES OF ACT.

''(a) IN GENERAL.—The authority of the Secretary under this title is in addition to, and shall not affect—

''(1) the authority of the Secretary under the other titles of this Act or the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.) or the exemption for Alaskan natives under section 101(b) of this Act as applied to other marine mammal populations; or

''(2) the authorities provided under title II of this Act.

''(b) CERTAIN PROVISIONS INAPPLICABLE.—The provisions of titles I through IV of this Act do not apply with respect to the implementation or administration of this title, except as specified in section 503.

''SEC. 509. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out the functions and responsibilities of the Secretary under this title and the Agreement $1,000,000 for each of fiscal years 2006 through 2010.

''(b) COMMISSION.—There are authorized to be appropriated to the Secretary to carry out functions and responsibilities of the United States Section $150,000 for each of fiscal years 2006 through 2010.

''(c) ALASKAN COOPERATIVE MANAGEMENT PROGRAM.—There are authorized to be appropriated to the Secretary to carry out this title and the Agreement in Alaska $150,000 for each of fiscal years 2006 through 2010.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended by adding at the end the following:

''TITLE V—POLAR BEARS

''Sec. 501. Definitions.
''Sec. 502. Prohibitions.
''Sec. 503. Administration.
''Sec. 504. Cooperative management agreement; authority to delegate enforcement authority.
''Sec. 505. Commission appointments; compensation, travel expenses, and claims.
''Sec. 506. Votes taken by the United States Section on matters before the Commission.
''Sec. 507. Implementation of actions taken by the Commission.
''Sec. 508. Application with other titles of Act.
''Sec. 509. Authorization of appropriations.''.

(c) TREATMENT OF CONTAINERS.—Section 107(d)(2) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1377(d)(2)) is amended by striking ''vessel or other conveyance'' each place it appears and inserting ''vessel, other conveyance, or container''.

SA 5225. Mr. MCCONNELL (for Mr. FRIST) proposed an amendment to the bill H.R. 6111, 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; as follows:

In line 17, page 3, strike ''on or''.

SA 5226. Mr. DEWINE (for Mr. DOMENICI) proposed an amendment to the bill S. 1529, to provide for the conveyance of certain Federal land in the city of Yuma, Arizona; as follows:

Strike section 4(d) and insert the following:

(d) DISPOSITION AND USE OF PROCEEDS.—Amounts paid to the Secretary under subsection (b) shall be available to the Secretary, without further appropriation and until expended, to pay—

(1) the administrative costs of the conveyance under subsection (a); and

(2) the costs of constructing the Kofa National Wildlife Refuge headquarters and visitor center in Yuma, Arizona.

SA 5227. Mr. DEWINE (for Mr. DOMENICI) proposed an amendment to the bill S. 1548, to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska; as follows:

At the end of the bill, add the following:

SEC. 4. OFFSETS.

(a) GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT EXPANSION.—Section 2 of Public Law 107–354 (16 U.S.C. 442 note) is amended by striking ''or appropriated funds''.

(b) MAGGIE L. WALKER NATIONAL HISTORIC SITE.—Section 511(e)(1) of the National Parks and Recreation Act of 1978 (16 U.S.C. 461 note; Public Law 95–625) is amended by striking ''$795,000'' and inserting ''$195,000''.

SA 5228. Mr. DEWINE (for Mr. DOMENICI) proposed an amendment to the bill S. 2054, to direct the Secretary of the Interior to conduct a study of water resources in the State of Vermont; as follows:

At the end of the bill, add the following:

SEC. 2. OFFSET.

Section 201(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4090) is amended in the undesignated paragraph under the heading ''NORFOLK HARBOR AND CHANNELS, VIRGINIA'' by striking

''$551,000,000, with an estimated first Federal cost of $256,000,000'' and inserting ''$545,000,000, with an estimated first Federal cost of $250,000,000''.

SA 5229. Mr. DEWINE (for Mr. DOMENICI) proposed an amendment to the bill S. 2205, to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Blunt Reservoir and Pierre Canal Land Conveyance Act of 2006''.

SEC. 2. BLUNT RESERVOIR AND PIERRE CANAL.

(a) DEFINITIONS.—In this section:

(1) BLUNT RESERVOIR FEATURE.—The term ''Blunt Reservoir feature'' means the Blunt Reservoir feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(2) COMMISSION.—The term ''Commission'' means the Commission of Schools and Public Lands of the State.

(3) NONPREFERENTIAL LEASE PARCEL.—The term ''nonpreferential lease parcel'' means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a nonpreferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(4) PIERRE CANAL FEATURE.—The term ''Pierre Canal feature'' means the Pierre Canal feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(5) PREFERENTIAL LEASEHOLDER.—The term ''preferential leaseholder'' means a person or descendant of a person that held a lease on a preferential lease parcel as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(6) PREFERENTIAL LEASE PARCEL.—The term ''preferential lease parcel'' means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a preferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) STATE.—The term ''State'' means the State of South Dakota, including a successor in interest of the State.

(9) UNLEASED PARCEL.—The term ''unleased parcel'' means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

(b) DEAUTHORIZATION.—The Blunt Reservoir feature is deauthorized.

(c) ACCEPTANCE OF LAND AND OBLIGATIONS.—

(1) IN GENERAL.—As a term of each conveyance under subsections (d)(5) and (e), respectively, the State may agree to accept—

(A) in ''as is'' condition, the portions of the Blunt Reservoir Feature and the Pierre Canal Feature that pass into State ownership;

(B) any liability accruing after the date of conveyance as a result of the ownership, operation, or maintenance of the features referred to in subparagraph (A), including liability associated with certain outstanding obligations associated with expired easements, or any other right granted in, on, over, or across either feature; and

(C) the responsibility that the Commission will act as the agent for the Secretary in administering the purchase option extended to preferential leaseholders under subsection (d).

(2) RESPONSIBILITIES OF THE STATE.—An outstanding obligation described in paragraph (1)(B) shall inure to the benefit of, and be binding upon, the State.

(3) OIL, GAS, MINERAL AND OTHER OUTSTANDING RIGHTS.—A conveyance to the State under subsection (d)(5) or (e) or a sale to a preferential leaseholder under subsection (d) shall be made subject to—

(A) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by or in favor of a third party; and

(B) any permit, license, lease, right-of-use, or right-of-way of record in, on, over, or across a feature referred to in paragraph (1)(A) that is outstanding as to a third party as of the date of enactment of this Act.

(4) ADDITIONAL CONDITIONS OF CONVEYANCE TO STATE.—A conveyance to the State under subsection (d)(5) or (e) shall be subject to the reservations by the United States and the conditions specified in section 1 of the Act of May 19, 1948 (chapter 310; 62 Stat. 240), as amended (16 U.S.C. 667b), for the transfer of property to State agencies for wildlife conservation purposes.

(d) PURCHASE OPTION.—

(1) IN GENERAL.—A preferential leaseholder shall have an option to purchase from the Secretary or the Commission, acting as an agent for the Secretary, the preferential lease parcel that is the subject of the lease.

(2) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a preferential leaseholder may elect to purchase a parcel on one of the following terms:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4); minus

(II) ten percent of that value.

(ii) Installment purchase, with 10 percent of the value of the parcel determined under paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(B) VALUE UNDER $10,000.—If the value of the parcel is under $10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(i).

(3) OPTION EXERCISE PERIOD.—

(A) IN GENERAL.—A preferential leaseholder shall have until the date that is 5 years after enactment of this Act to exercise the option under paragraph (1).

(B) CONTINUATION OF LEASES.—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Secretary the parcel leased by the preferential leaseholder under the same terms and conditions as under the lease, as in effect as of the date of enactment of this Act.

(4) VALUATION.—

(A) IN GENERAL.—The value of a preferential lease parcel shall be its fair market value for agricultural purposes determined by an independent appraisal less 25 percent, exclusive of the value of private improvements made by the leaseholders while the land was federally owned before the date of the enactment of this Act, in conformance with the Uniform Appraisal Standards for Federal Land Acquisition.

(B) FAIR MARKET VALUE.—Any dispute over the fair market value of a property under subparagraph (A) shall be resolved in accordance with section 2201.4 of title 43, Code of Federal Regulations.

(5) CONVEYANCE TO THE STATE.—

(A) IN GENERAL.—If a preferential leaseholder fails to purchase a parcel within the period specified in paragraph (3)(A), the Secretary shall offer to convey the parcel to the State of South Dakota Department of Game, Fish, and Parks.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(6) USE OF PROCEEDS.—Proceeds of sales of land under this Act shall be deposited as miscellaneous funds in the Treasury and such funds shall be made available, subject to appropriations, to the State for the establishment of a trust fund to pay the county taxes on the lands received by the State Department of Game, Fish, and Parks under the bill.

(e) CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(1) CONVEYANCE BY SECRETARY TO STATE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall offer to convey to the South Dakota Department of Game, Fish, and Parks the nonpreferential lease parcels and unleased parcels of the Blunt Reservoir and Pierre Canal.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(2) LAND EXCHANGES FOR NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(A) IN GENERAL.—With the concurrence of the South Dakota Department of Game, Fish, and Parks, the South Dakota Commission of Schools and Public Lands may allow a person to exchange land that the person owns elsewhere in the State for a nonpreferential lease parcel or unleased parcel at Blunt Reservoir or Pierre Canal, as the case may be.

(B) PRIORITY.—The right to exchange nonpreferential lease parcels or unleased parcels shall be granted in the following order or priority:

(i) Exchanges with current lessees for nonpreferential lease parcels.

(ii) Exchanges with adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.

(C) EASEMENT FOR WATER CONVEYANCE STRUCTURE.—As a condition of the exchange of land of the Pierre Canal Feature under this paragraph, the United States reserves a perpetual easement to the land to allow for the right to design, construct, operate, maintain, repair, and replace a pipeline or other water conveyance structure over, under, across, or through the Pierre Canal feature.

(f) RELEASE FROM LIABILITY.—

(1) IN GENERAL.—Effective on the date of conveyance of any parcel under this Act, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the parcel, except for damages for acts of negligence committed by the United States or by an employee, agent, or contractor of the United States, before the date of conveyance.

(2) NO ADDITIONAL LIABILITY.—Nothing in this section adds to any liability that the United States may have under chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

(g) REQUIREMENTS CONCERNING CONVEYANCE OF LEASE PARCELS.—

(1) INTERIM REQUIREMENTS.—During the period beginning on the date of enactment of this Act and ending on the date of conveyance of the parcel, the Secretary shall continue to lease each preferential lease parcel or nonpreferential lease parcel to be conveyed under this section under the terms and conditions applicable to the parcel on the date of enactment of this Act.

(2) PROVISION OF PARCEL DESCRIPTIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Commission, shall provide the State a full legal description of all preferential lease parcels and nonpreferential lease parcels that may be conveyed under this section.

(h) CURATION OF ARCHEOLOGICAL COLLECTIONS.—The Secretary, in consultation with the State, shall transfer, without cost to the State, all archeological and cultural resource items collected from the Blunt Reservoir Feature and Pierre Canal Feature to the South Dakota State Historical Society.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $750,000 to reimburse the Secretary for expenses incurred in implementing this Act, and such sums as are necessary to reimburse the Commission and the State Department of Game, Fish, and Parks for expenses incurred implementing this Act, not to exceed 10 percent of the cost of each transaction conducted under this Act.

SA 5230. Mr. WYDEN (for himself, Ms. CANTWELL, Mr. SMITH, Mrs. MURRAY, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 6111, 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FUNDING SOURCE FOR RURAL SCHOOLS AND COMMUNITIES PAYMENTS.

(a) RURAL SCHOOLS AND COMMUNITIES TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 9511. RURAL SCHOOLS AND COMMUNITIES TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Rural Schools and Communities Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section or section 9602(b).

''(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Rural Schools and Communities Trust Fund amounts equivalent to the amounts estimated by the Secretary by which Federal revenues are increased, before January 1, 2011, as a result of the provisions of section 3402(t).

''(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Rural Schools and Communities Trust Fund shall be available only for—

''(1) payments to eligible States under section 102(a)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000; and

''(2) payments to eligible counties under section 103(a)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000.''.

(2) CONFORMING AMENDMENTS.—

(A) PAYMENTS TO STATES.—Paragraph (3) of section 102(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note) is amended by striking ''out of any funds in the Treasury not otherwise appropriated'' and inserting ''out of the Rural Schools and Communities Trust Fund under section 9511 of the Internal Revenue Code of 1986''.

(B) PAYMENTS TO COUNTIES.—Paragraph (2) of section 103(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note) is amended by striking ''out of any funds in the Treasury not otherwise appropriated'' and inserting ''out of the Rural Schools and Communities Trust Fund under section 9511 of the Internal Revenue Code of 1986''.

(3) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 9511. Rural Schools and Communities Trust Fund.''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2007.

(b) IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES.—

(1) ACCELERATION OF EFFECTIVE DATE.—Section 511(b) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking ''December 31, 2010'' and inserting ''December 31, 2006''.

(2) EXCLUSION FOR PAYMENTS TO SMALL BUSINESSES BEFORE 2011.—Paragraph (2) of section 3402(t) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting '', and'', and by adding at the end the following :

''(J) made before January 1, 2011, to any business which employed fewer than 50 employees during the preceding taxable year.

For purposes of subparagraph (J), rules similar to the rules of paragraphs (2)(A) and (6) of section 44(d) shall apply.''.

(3) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the Tax Increase Prevention and Reconciliation Act of 2005.

(c) EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT.—The Secure Rural Schools and Community Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note) is amended—

(1) in sections 208 and 303, by striking ''2007'' both places it appears and inserting ''2008''; and

(2) in sections 101(a), 102(b)(2), 103(b)(1), 203(a)(1), 207(a), 208, 303, and 401, by striking ''2006'' each place it appears and inserting ''2007''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, December 7, 2006, at 9:30 a.m., to receive testimony on the report of the Iraq Study Group.

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

COMMITTEE ON FINANCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, December 7, 2006, immediately following the next vote on the Senate floor, in the Senate Reception Room, S–212 of the Capitol, to consider favorably reporting the nomination of Eric Solomon to be an Assistant Secretary of the Treasury, U.S. Department of the Treasury.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to hold an off-the-floor markup during the session on Thursday, December 7, 2006, to consider pending committee business.

Agenda

Nomination: 1. Paul A. Schneider, Under Secretary for Management, U.S. Department of Homeland Security.

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

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on ''Vertically Integrated Sports Programming: Are Cable Companies Excluding Competition?'' for Thursday, December 7, 2006 at 11 a.m. in Dirksen Senate Office Building Room 226.

Witness list:

Panel I: Mr. David L. Cohen, Executive Vice President, Comcast Corporation, Philadelphia, PA; Mr. John D. Goodman, President, Coalition for Competitive Access to Content, Washington, DC; Dr. Mark Cooper, Director of Research, Consumer Federation of America, Washington, DC; Mr. Michael Salinger, Director of Bureau of Economics, Federal Trade Commission, Washington, DC; and Mr. James Baller, The Baller Herbst Law Group, Washington, DC.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Select Committee on Intellience be authorized to meet during the session of the Senate on December 7, 2006, at 2:30 p.m. to hold a closed briefing.

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

The PRESIDING OFFICER. The Senator from Alaska is recognized.

STEVENS-INOUYE INTERNATIONAL FISHERIES MONITORING AND COMPLIANCE LEGACY ACT OF 2006

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5946 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. 5946) to amend the Magnuson-Stevens Fishery Conservation and Management Act to authorize activities to promote improved monitoring and compliance for high seas fisheries, or fisheries governed by international fishery management agreements, and for other purposes.

There being no objection, the Senate proceeded to consideration of the measure.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Stevens amendment be agreed to; the bill, as amended, be read for the third time and passed; and a motion to reconsider be laid upon the table.

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

The amendment (No. 5224) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5946), as amended, was read the third time and passed.

AMENDING THE INTERNAL REVENUE CODE OF 1986

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6111, 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. 6111) to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable 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. MCCONNELL. I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, 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.

The amendment (No. 5225) was agreed to, as follows:

In line 17, page 3, strike ''on or''.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 6111), as amended, was read the third time and passed.

PIPELINE SAFETY IMPROVEMENT ACT OF 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5782 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. 5782) to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

There being no objection, the Senate proceeded to consideration of the bill.

Mr. LAUTENBERG. Mr. President, I would like to thank Commerce Committee co-chairmen Stevens and Inouye for their hard work in achieving this bill's passage. H.R. 5782 the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 is a timely piece of legislation, and I hope that it will soon become law. I am proud to be one of the original cosponsors of the Senate version of this bill, S.3961.

Our 2.3 million miles of natural gas and hazardous liquid pipelines are more than simply a series of tubes. This system is the transportation mode for nearly two-thirds of the energy consumed by our Nation. From large transmission pipelines to distribution pipelines to service lines which run into our homes, every part of this system must be safe.

I am pleased that Congress is acting to reauthorize the Office of Pipeline Safety, OPS, and bringing its resources more in line with what is needed to adequately regulate this industry. This bill would authorize 50 percent more Federal pipeline safety inspectors than the Federal Government currently has.

The bill will change Federal policy to help prevent construction-related damage to pipelines by giving additional enforcement authority to OPS and authorizing grants to states to improve one-call notification programs. At the same time, it will also make OPS enforcement actions more transparent to those interested in what the Federal Government is doing to make their lives safer. Furthermore, this bill will also regulate for the first time low-stress oil pipelines, such as the ones in Prudhoe Bay, AK, and gas distribution pipelines all over the country.

One subject in the bill I was proud to author deals with the mandatory use of excess flow valves. These important safety devices can shut off gas flow when a service line is ruptured, preventing a potential explosion. One lesson we learned after the 1994 gas explosion in Edison, NJ, is that technology must be used to shut off gas flow in the case of a rupture. Shortly after that damaging explosion, I introduced legislation to require a greater use of automatic or remotely controlled shutoff valves. I am pleased that this bill will require excess flow valves to be installed in every new single family residence or replacement service lines in a single family residence.

While the bill would give some discretion to the administration as to who may be exempted from this EFV requirement, I have met with Admiral Barrett, Administrator of the Pipeline and Hazardous Material Safety Administration, and he assures me that only operators of master meter and liquefied petroleum gas, LPG, systems are intended to be excluded. On these systems, he believes EFVs have not been shown to be effective.

By letter to me dated December 4, 2006, Admiral Barrett of the Federal Pipeline and Hazardous Materials Safety Administration wrote to me:

REQUIRING INSTALLATION OF EXCESS FLOW VALVES

The American Gas Association has provided data that leads PHMSA to believe that 1.2 million new and renewed gas services will be installed each year. PHMSA had been planning to propose to require each operator to include in its risk analysis consideration of whether to install EFV's to protect single-family residences served by new and replaced gas service lines from release of gas due to major damage to the line. Modifications to the reauthorization provisions will change PHMSA planned approach, but would allow PHMSA to determine applicability of the future standard to distribution operators. The circumstances where PHMSA believes conditions for installation of EFV's are not suitable are when gas supply pressure is not continuously higher than 10 psig, when liquids/contaminants that could interfere with valve operation are present in the gas stream, and where load data may be unstable.

Based on current data, we would expect to apply the requirements for EFV's to more than 99 percent of new and replaces residential service lines. PHMSA plans to exclude from the requirement only operators of master meter and liquefied petroleum gas (LPG) systems. These are very small distribution systems, whose operation of gas is incidental to another business, such as a mobile home park or small apartment complex, in the case of the master meter operator; or a ski lodge, in the case of the LPG operator. The variability in gas use is too large to pick one size EFV and most incidents would not trigger an EFV. We estimate that approximately 8,000 of these systems would be excluded from the EFV requirement. The estimate is based on reports in 2004 from (1) 45 state pipeline safety agencies that collectively 6,972 master meter systems were operating in their states and (2) 5 state pipeline safety agencies indicating that 926 LPG systems were operating in their states. Because some states do not have jurisdiction over all master meter systems

in their states, the number reported may slightly understate the actual number. Further, we estimate that, on average, for each master meter and LPG system the operator has 100 services.

I will continue to work with Senator INOUYE in the next Congress, who will chair the Committee on Commerce, Science, and Transportation, to determine the feasibility of requiring these important safety devices in types of buildings as well—other than single family residences as well as safety advocates including the National Transportation Safety Board have suggested is feasible. These safety devices can provide crucial protection in the event of a pipeline rupture or similar incident, and technology has advanced to the point where they are effective and readily available. Many pipeline companies are already using excess flow valves in such installations.

I thank all those who worked toward an agreement on this provision and all those who helped pass this bill. A gas leak in a home can be a silent killer, with little warning; we must utilize technology which is available to keep our families safe.

Mr. MCCONNELL. I ask unanimous consent that the bill 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 PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5782) was ordered to a third reading, was read the third time, and passed.

NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT OF 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5076 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. 5076) to amend title 49, United States Code, to authorize appropriations for fiscal years 2007, 2008, and for other purposes.

There being no objection, the Senate proceeded to consideration of the bill.

Mr. MCCONNELL. I ask unanimous consent that the bill 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 PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5076) was ordered to a third reading, was read the third time, and passed.

VETERANS PROGRAMS EXTENSION ACT OF 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6342 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. 6342) to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, to expand eligibility for the Survivors' and Dependents' Educational Assistance program, and for other purposes.

There being no objection, the Senate proceeded to consideration of the bill.

Mr. MCCONNELL. I ask unanimous consent 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. 6342) was ordered to a third reading, was read the third time, and passed.

PROHIBITING DISRUPTIONS OF FUNERALS OF MEMBERS OR FORMER MEMBERS OF THE ARMED FORCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 4042 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. 4042) to amend title 18, United States Code, to prohibit disruptions of funerals of members or former members of the Armed Forces.

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

Mr. MCCONNELL. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

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

The bill (S. 4042) was ordered to be engrossed for a third reading, was read the third time, and passed, 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.".

PROVIDING AUTHORITY FOR RESTORATION OF THE SOCIAL SECURITY TRUST FUNDS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 4091 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. 4091) to provide authority for restoration of the Social Security Trust Funds from the effects of a clerical error, and for other purposes.

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

Mr. MCCONNELL. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid on the table, and any statements relating to the measure be printed in the RECORD.

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

The bill (S. 4091) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4091

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 ''Social Security Trust Funds Restoration Act of 2006''.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) CLERICAL ERROR.—The term ''clerical error'' means the bookkeeping errors at the Social Security Administration that resulted in the overpayment of amounts transferred from the Trust Funds to the general fund of the Treasury during the period commencing with 1999 and ending with 2005 as transfers, under the voluntary withholding program authorized by section 3402(p) of the Internal Revenue Code of 1986, of anticipated taxes on benefit payments under title II of the Social Security Act.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(3) TRUST FUNDS.—The term ''Trust Funds'' means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

SEC. 3. RESTORATION OF TRUST FUNDS.

(a) APPROPRIATION.—There is hereby appropriated to each of the Trust Funds, out of any money in the Treasury not otherwise appropriated, an amount determined by the Secretary, in consultation with the Commissioner of Social Security, to be equal, to the extent practicable in the judgment of the Secretary, to the difference between—

(1) the sum of—

(A) the amounts that the Secretary determines, in consultation with the Commissioner of Social Security, were overpaid from such Trust Fund to the general fund of the Treasury by reason of the clerical error, and

(B) the amount that the Secretary determines, in consultation with the Commissioner of Social Security, to be equal, to the extent practicable in the judgment of the Secretary, to the interest income that would have been payable to such Trust Fund pursuant to section 201(d) of the Social Security Act on obligations issued under chapter 31 of title 31, United States Code, that was not paid by reason of the clerical error, and

(2) the sum of—

(A) the amounts that are refunded to such Trust Fund as overpayments by reason of the clerical error to the extent not limited by periods of limitation under applicable provisions of the Internal Revenue Code of 1986, and

(B) the interest that is paid to such Trust Fund on the overpayments resulting from the clerical error to the extent allowed under applicable provisions of such Code.

(b) INVESTMENT.—The Secretary shall invest the amounts appropriated to each of the Trust Funds under subsection (a) in accordance with the currently applicable investment policy for such Trust Fund.

SEC. 4. TIMING.

(a) ACTIONS BY THE SECRETARY.—The Secretary shall take such actions as are necessary to accomplish the restoration described in section 3 not later than 120 days after the date of the enactment of this Act.

(b) ACTION BY THE COMMISSIONER.—The Commissioner of Social Security shall cooperate with the Secretary to the extent necessary to enable the Secretary to meet the requirements of subsection (a).

SEC. 5. CONGRESSIONAL NOTIFICATION.

Not later than 30 days after the Secretary takes the last action necessary to accomplish the restoration described in section 3, the Secretary shall notify each House of the Congress in writing of the actions so taken.

THE CALENDAR

Mr. DEWINE. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following bills reported out of the Energy Committee:

Calendar Nos. 542 to 545, 548 to 551, 554 to 556, 650 and 671, and the Energy Committee be discharged from further consideration of S. 2205 and H.R. 5646, and the Senate proceed to their immediate consideration.

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

Mr. DEWINE. 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 the third time and passed; the title amendments be agreed to; and the motions to reconsider be laid upon the table en bloc.

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

MONTANA CEMETERY ACT OF 2005

The Senate proceeded to consider the bill (S. 997) to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge Forest, Montana, to Jefferson County, Montana, for use as a cemetery, 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:

S. 997

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Montana Cemetery Act of 2006''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COUNTY.—The term ''County'' means Jefferson County, Montana.

(2) MAP.—The term ''map'' means the map that is—

(A) entitled ''Elkhorn Cemetery'';

(B) dated May 9, 2005; and

(C) on file in the office of the Beaverhead-Deerlodge National Forest Supervisor.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 3. CONVEYANCE TO JEFFERSON COUNTY, MONTANA.

(a) CONVEYANCE.—Not later than 180 days after the date of enactment of this Act and subject to valid existing rights, the Secretary (acting through the Regional Forester, Northern Region, Missoula, Montana) shall convey by quitclaim deed to the County for no consideration, all right, title, and interest of the United States, except as provided in subsection (e), in and to the parcel of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is the parcel of approximately 9.67 acres of National Forest System land (including any improvements to the land) in the County that is known as the ''Elkhorn Cemetery'', as generally depicted on the map.

(c) USE OF LAND.—As a condition of the conveyance under subsection (a), the County shall—

(1) use the land described in subsection (b) as a County cemetery; and

(2) agree to manage the cemetery with due consideration and protection for the historic and cultural values of the cemetery, under such terms and conditions as are agreed to by the Secretary and the County.

(d) EASEMENT.—In conveying the land to the County under subsection (a), the Secretary, in accordance with applicable law, shall grant to the County an easement across certain National Forest System land, as generally depicted on the map, to provide access to the land conveyed under that subsection.

(e) REVERSION.—In the quitclaim deed to the County, the Secretary shall provide that the land conveyed to the County under subsection (a) shall revert to the Secretary, at the election of the Secretary, if the land is—

(1) used for a purpose other than the purposes described in subsection (c)(1); or

(2) managed by the County in a manner that is inconsistent with subsection (c)(2).

Amend the title so as to read: ''To direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery.''.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 997), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

CITY OF YUMA IMPROVEMENT ACT

The Senate proceeded to consider the bill (S. 1529) to provide for the conveyance of certain Federal land in the city of Yuma, Arizona, 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 ''City of Yuma Improvement Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means the city of Yuma, Arizona.

(2) FEDERAL LAND.—The term ''Federal land'' means the Bureau of Reclamation land depicted on the map and more particularly described as—

(A) parcels 2 and 3 of tract 1;

(B) a portion of parcel 110–73–019;

(C) the old Arizona Department of Transportation weigh station;

(D) portions of blocks 52, 53, 54, and 55;

(E) the future drying bed location; and

(F) the future Arizona Welcome Center.

(3) MAP.—The term ''map'' means the map entitled ''City of Yuma Proposed Property Ownership'' and dated July 25, 2005.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the non-Federal land depicted on the map and generally known as the ''Railroad Parcels''.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF FEDERAL LAND AND NON-FEDERAL LAND.

(a) IN GENERAL.—Subject to valid existing rights, easements, and rights-of-way, and in accordance with this Act, the Secretary shall convey all right, title, and interest of the United States in and to the Federal land to the City in exchange for the non-Federal land.

(b) TITLE TO NON-FEDERAL LAND.—

(1) IN GENERAL.—On receipt of a deed conveying to the United States fee simple title to the non-Federal land that meets the requirements under paragraph (2), the Secretary shall record a deed from the United States that conveys to the City fee simple title to the Federal land.

(2) REQUIREMENTS.—Title to the non-Federal land shall—

(A) conform with the regulations and title approval standards of the Attorney General that are applicable to Federal land acquisitions; and

(B) include all valid existing rights, easements, and rights-of-way.

(c) ADMINISTRATION OF ACQUIRED LAND.—The Secretary, acting through the Commissioner of Reclamation, shall administer the non-Federal land acquired by the Secretary.

(d) RELEASE FROM LIABILITY.—Effective on the date of conveyance to the City of the parcel of Federal land under subsection (a), the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the Federal land and facilities conveyed, but shall continue to be liable for damages caused by acts of negligence committed by the United States or by any employee or agent of the United States before the date of conveyance, consistent with chapter 171 of title 28, United States Code.

(e) ADMINISTRATIVE COSTS.—All administrative costs relating to the conveyance of the Federal land and non-Federal land under subsection (a) shall be paid by the City to the United States.

(f) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal and the non-Federal land—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretary.

(B) REQUIREMENTS.—An appraisal conducted under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisition; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(C) EQUALIZATION OF VALUES.—

(i) IN GENERAL.—If the value of the Federal land and the non-Federal land is not equal, the value may be equalized by—

(I) the Secretary making a cash equalization payment to the City;

(II) the City making a cash equalization payment to the Secretary; or

(III) reducing the acreage of the Federal land or non-Federal land, as appropriate.

(ii) DISPOSITION OF PROCEEDS.—Any cash equalization payments received by the Secretary under clause (i)(II) shall be deposited in the general fund of the Treasury.

SEC. 4. CONVEYANCE OF UNITED STATES FISH AND WILDLIFE SERVICE LAND TO THE CITY OF YUMA.

(a) IN GENERAL.—Subject to valid existing rights, the Secretary shall convey to the City by quitclaim deed, all right, title, and interest of the United States in and to the parcel of United States Fish and Wildlife Service land located at 356 West First Street, Yuma, Arizona.

(b) CONSIDERATION.—In exchange for the conveyance of land under subsection (a), the City shall pay to the Secretary consideration in an amount that reflects the fair market value of the land conveyed to the City under that subsection, as determined by an appraisal prepared in accordance with—

(1) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(2) the Uniform Standards of Professional Appraisal Practice.

(c) ADMINISTRATIVE COSTS.—Any administrative costs relating to the conveyance of land under subsection (a) shall be paid by the City to the United States.

(d) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds of the sale of land under subsection (a) in the general fund of the Treasury.

The amendment (No. 5226) was agreed to, as follows:

(Purpose: To modify the provision governing the disposition of amounts paid to the Secretary for the conveyance of certain United States Fish and Wildlife Service land to the city of Yuma)

Strike section 4(d) and insert the following:

(d) DISPOSITION AND USE OF PROCEEDS.—Amounts paid to the Secretary under subsection (b) shall be available to the Secretary, without further appropriation and until expended, to pay—

(1) the administrative costs of the conveyance under subsection (a); and

(2) the costs of constructing the Kofa National Wildlife Refuge headquarters and visitor center in Yuma, Arizona.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1529), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

S. 1529

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 ''City of Yuma Improvement Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means the city of Yuma, Arizona.

(2) FEDERAL LAND.—The term ''Federal land'' means the Bureau of Reclamation land depicted on the map and more particularly described as—

(A) parcels 2 and 3 of tract 1;

(B) a portion of parcel 110–73–019;

(C) the old Arizona Department of Transportation weigh station;

(D) portions of blocks 52, 53, 54, and 55;

(E) the future drying bed location; and

(F) the future Arizona Welcome Center.

(3) MAP.—The term ''map'' means the map entitled ''City of Yuma Proposed Property Ownership'' and dated July 25, 2005.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the non-Federal land depicted on the map and generally known as the ''Railroad Parcels''.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF FEDERAL LAND AND NON-FEDERAL LAND.

(a) IN GENERAL.—Subject to valid existing rights, easements, and rights-of-way, and in accordance with this Act, the Secretary shall convey all right, title, and interest of the United States in and to the Federal land to the City in exchange for the non-Federal land.

(b) TITLE TO NON-FEDERAL LAND.—

(1) IN GENERAL.—On receipt of a deed conveying to the United States fee simple title to the non-Federal land that meets the requirements under paragraph (2), the Secretary shall record a deed from the United States that conveys to the City fee simple title to the Federal land.

(2) REQUIREMENTS.—Title to the non-Federal land shall—

(A) conform with the regulations and title approval standards of the Attorney General that are applicable to Federal land acquisitions; and

(B) include all valid existing rights, easements, and rights-of-way.

(c) ADMINISTRATION OF ACQUIRED LAND.—The Secretary, acting through the Commissioner of Reclamation, shall administer the non-Federal land acquired by the Secretary.

(d) RELEASE FROM LIABILITY.—Effective on the date of conveyance to the City of the parcel of Federal land under subsection (a), the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the Federal land and facilities conveyed, but shall continue to be liable for damages caused by acts of negligence committed by the United States or by any employee or agent of the United States before the date of conveyance, consistent with chapter 171 of title 28, United States Code.

(e) ADMINISTRATIVE COSTS.—All administrative costs relating to the conveyance of the Federal land and non-Federal land under subsection (a) shall be paid by the City to the United States.

(f) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal and the non-Federal land—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretary.

(B) REQUIREMENTS.—An appraisal conducted under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisition; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(C) EQUALIZATION OF VALUES.—

(i) IN GENERAL.—If the value of the Federal land and the non-Federal land is not equal, the value may be equalized by—

(I) the Secretary making a cash equalization payment to the City;

(II) the City making a cash equalization payment to the Secretary; or

(III) reducing the acreage of the Federal land or non-Federal land, as appropriate.

(ii) DISPOSITION OF PROCEEDS.—Any cash equalization payments received by the Secretary under clause (i)(II) shall be deposited in the general fund of the Treasury.

SEC. 4. CONVEYANCE OF UNITED STATES FISH AND WILDLIFE SERVICE LAND TO THE CITY OF YUMA.

(a) IN GENERAL.—Subject to valid existing rights, the Secretary shall convey to the City by quitclaim deed, all right, title, and interest of the United States in and to the parcel of United States Fish and Wildlife Service land located at 356 West First Street, Yuma, Arizona.

(b) CONSIDERATION.—In exchange for the conveyance of land under subsection (a), the City shall pay to the Secretary consideration in an amount that reflects the fair market value of the land conveyed to the City under that subsection, as determined by an appraisal prepared in accordance with—

(1) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(2) the Uniform Standards of Professional Appraisal Practice.

(c) ADMINISTRATIVE COSTS.—Any administrative costs relating to the conveyance of land under subsection (a) shall be paid by the City to the United States.

(d) DISPOSITION AND USE OF PROCEEDS.—Amounts paid to the Secretary under subsection (b) shall be available to the Secretary, without further appropriation and until expended, to pay—

(1) the administrative costs of the conveyance under subsection (a); and

(2) the costs of constructing the Kofa National Wildlife Refuge headquarters and visitor center in Yuma, Arizona.

COFFMAN COVE ADMINISTRATIVE SITE CONVEYANCE ACT OF 2005

The Senate proceeded to consider the bill (S. 1548) to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska, 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 ''Coffman Cove Administrative Site Conveyance Act of 2006''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means the city of Coffman Cove, Alaska.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 3. CONVEYANCE.

(a) IN GENERAL.—Subject to valid existing rights, the Secretary shall convey to the City, without consideration and by quitclaim deed all right, title, and interest of the United States, except as provided in subsections (c) and (d), in and to the parcel of National Forest System land described in subsection (b).

(b) DESCRIPTION OF LAND.—

(1) IN GENERAL.—The parcel of National Forest System land referred to in subsection (a) is the approximately 12 acres of land identified in U.S. Survey 10099, as depicted on the plat entitled ''Subdivision of U.S. Survey No. 10099'' and recorded as Plat 2003–1 on January 21, 2003, Petersburg Recording District, Alaska.

(2) EXCLUDED LAND.—The parcel of National Forest System land conveyed under subsection (a) does not include the portion of U.S. Survey 10099 that is north of the right-of-way for Forest Development Road 3030–295 and southeast of Tract CC–8.

(c) RIGHT-OF-WAY.—The United States may reserve a right-of-way to provide access to the National Forest System land excluded from the conveyance to the City under subsection (b)(2).

(d) REVERSION.—If any portion of the land conveyed under subsection (a) (other than a portion of land sold under subsection (e)) ceases to be used for public purposes, the land shall, at the option of the Secretary, revert to the United States.

(e) CONDITIONS ON SUBSEQUENT CONVEYANCES.—If the City sells any portion of the land conveyed to the City under subsection (a)—

(1) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal; and

(2) the City shall pay to the Secretary an amount equal to the gross proceeds of the sale, which shall be available, without further appropriation, for the Tongass National Forest.

The amendment (No. 5227) was agreed to, as follows:

(Purpose: To provide offsets)

At the end of the bill, add the following:

SEC. 4. OFFSETS.

(a) GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT EXPANSION.—Section 2 of Public Law 107–354 (16 U.S.C. 442 note) is amended by striking ''or appropriated funds''.

(b) MAGGIE L. WALKER NATIONAL HISTORIC SITE.—Section 511(e)(1) of the National Parks and Recreation Act of 1978 (16 U.S.C. 461 note; Public Law 95–625) is amended by striking ''$795,000'' and inserting ''$195,000''.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1548) was ordered to be engrossed for a third reading, was read the third time, and passed.

WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS ACT OF 2005

The Senate proceeded to consider the bill (S. 2003) to make permanent the authorization for watershed restoration and enhancement agreements, 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:

S. 2003

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Watershed Restoration and Enhancement Agreements Act of 2006''.

SEC. 2. WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.

Section 323 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105–277), is amended—

(1) in subsection (a), by striking ''each of fiscal years 2006 through 2011'' and inserting ''fiscal year 2006 and each fiscal year thereafter'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) APPLICABLE LAW.—Chapter 63 of title 31, United States Code, shall not apply to—

''(1) a watershed restoration and enhancement agreement entered into under this section; or

''(2) an agreement entered into under the first section of Public Law 94–148 (16 U.S.C. 565a–1).''.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2003), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

TO DIRECT THE SECRETARY OF THE INTERIOR TO CONDUCT A STUDY OF WATER RESOURCES IN THE STATE OF VERMONT

The Senate proceeded to consider the bill (S. 2054) to direct the Secretary of the Interior to conduct a study of water resources in the State of Vermont, which had been reported from the Committee on Energy and Natural Resources, with an amendment on page 2, line 1, to insert ''in accordance with this Act and any other applicable law,''.

The amendment (No. 5228) was agreed to, as follows:

(Purpose: To provide an offset)

At the end of the bill, add the following:

SEC. 2. OFFSET.

Section 201(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4090) is amended in the undesignated paragraph under the heading ''NORFOLK HARBOR AND CHANNELS, VIRGINIA'' by striking ''$551,000,000, with an estimated first Federal cost of $256,000,000'' and inserting $545,000,000, with an estimated first Federal cost of $250,000,000''.

The committee amendment, as amended, was agreed to.

The bill (S. 2054), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2054

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

SECTION 1. VERMONT WATER RESOURCES STUDY.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the United States Geological Survey and in coordination with the State of Vermont, shall, in accordance with this Act and any other applicable law, conduct a study of water resources in the State of Vermont, including—

(1) a survey of—

(A) with respect to groundwater—

(i) supplies, including aquifers, that are available for potable use by municipalities in the State; and

(ii) availability, potability, potential to recharge, and interaction with surface water; and

(B) potential future water supply sources; and

(2) a characterization of surface and bedrock geology, including the effect of that geology on groundwater yield and quality.

(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 describing the results of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 2. OFFSET.

Section 201(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4090) is amended in the undesignated paragraph under the heading ''NORFOLK HARBOR AND CHANNELS, VIRGINIA'' by striking ''$551,000,000, with an estimated first Federal cost of $256,000,000'' and inserting ''$545,000,000, with an estimated first Federal cost of $250,000,000''.

EUGENE LAND CONVEYANCE ACT

The Senate proceeded to consider the bill (S. 2150) to direct the Secretary of the Interior to convery certain Bureau of Land Management to the City of Eugene, Oregon, 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. 2150

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 ''Eugene Land Conveyance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means the city of Eugene, Oregon.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. CONVEYANCE TO THE CITY OF EUGENE, OREGON.

(a) IN GENERAL.—**[**Not later than 60 days after the date of enactment of this Act**]** *Except as provided in subsection (c),* the Secretary shall convey to the City, without consideration and subject to all valid existing rights, all right, title, and interest of the United States in and to the land described in subsection (b)(1) for the purposes of—

(1) establishing a wildlife viewing area; and

(2) the construction and operation of an environmental education center.

(b) DESCRIPTION OF LAND.—

[(1) IN GENERAL.—The land referred to in subsection (a) is the parcel of approximately 12 acres of land under the administrative jurisdiction of the Bureau of Land Management in Lane County, Oregon, as depicted on the map entitled ''Red House Property'' and dated April 11, 2005.

[(2) SURVEY.—

[(A) IN GENERAL.—The exact acreage and legal description of the land described in paragraph (1) shall be determined by a survey acceptable to the Secretary, including an existing survey.**]**

(1) IN GENERAL.—The land referred to in subsection (a) is the parcel of approximately 12 acres of land under the administrative jurisdiction of the Bureau of Land Management in Lane County, Oregon, as depicted on the map entitled ''West Eugene Wetlands Land Transfer'' and dated April 11, 2005.

(2) SURVEY.—

(A) IN GENERAL.—The legal description of the land described in paragraph (1) may be based on the survey of the land completed in 1979.

(B) COST.—If the Secretary determines that a new survey of the land is required, the City shall be responsible for paying the cost of the survey.

(c) REVERSION.—

(1) IN GENERAL.—If the Secretary determines that the land conveyed under subsection (a) is not being used for the purposes described in that subsection—

(A) all right, title, and interest in and to the land (including any improvements to the land) shall , *at the discretion of the Secretary,* revert to the United States; and

(B) the United States shall have the right of immediate entry to the land.

(2) HEARING.—Any determination of the Secretary under paragraph (1) shall be made on the record after an opportunity for a hearing.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions for the conveyance under subsection (a) as the Secretary determines to be appropriate to protect the interests of the United States.

The committee amendments were agreed to.

The bill (S. 2150), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

CITY OF GREEN RIVER LAND CONVEYANCE ACT

The Senate proceeded to consider the bill (S. 2373) to provide for the sale of approximately 132 acres of public land to the City of Green River, Wyoming, at fair market value, 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. 2373

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 ''City of Green River Land Conveyance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means the City of Green River, Wyoming.

(2) MAP.—The term ''map'' means the map prepared by the Secretary entitled ''Green River, Wyoming Land Conveyance Act'' and dated February 7, 2006.

(3) PUBLIC LAND.—The term ''public land'' means approximately 132 acres of Federal land managed by the Secretary and depicted on the map as ''Lands to be conveyed to the City of Green River, Wyoming''.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Land Management.

SEC. 3. CONVEYANCE TO THE CITY.

(a) IN GENERAL.—Subject to valid existing rights, if the City submits to the Secretary an offer to acquire the public land for the appraised value, the Secretary shall, **[**within 180 days after the date of the offer,**]** convey to the City all right, title, and interest to the public land.

(b) APPRAISAL.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the public land.

(2) ACCORDANCE WITH UNIFORM STANDARDS.—The Secretary shall conduct the appraisal in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(c) PAYMENT.—Not later than 30 days after the date on which the public land is conveyed under this section, the City shall pay to the Secretary an amount equal to the appraised value of the public land, as determined under subsection (b).

(d) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds from the sale in the Federal Land Disposal Account established under section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305), to be expended in accordance with that Act.

(e) COSTS.—The City shall pay any cost associated with the conveyance of land under subsection (a).

(f) PLAN.—The conveyance of the public land under subsection (a) shall not require an amendment to the Green River Resource Management Plan.

SEC. 4. SEGREGATION OF LANDS.

Except as provided in section 3(a), effective immediately on the date of enactment of this Act and subject to valid existing rights, the public land is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws, including the mining laws;

(2) location, entry, and patenting under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

The committee amendments were agreed to.

The bill (S. 2373), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

GRAND TETON NATIONAL PARK EXTENSION ACT OF 2006

The Senate proceeded to consider the bill (S. 2403) to authorize the Secretary of the Interior to include in the boundaries of the Grand Teton National Park land and interests in land of the GT Park Subdivision, 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 ''Grand Teton National Park Extension Act of 2006''.

SEC. 2. DEFINITIONS.

In this Act:

(1) PARK.—The term ''Park'' means the Grand Teton National Park.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) SUBDIVISION.—The term ''Subdivision'' means the GT Park Subdivision, with an area of approximately 49.67 acres, as generally depicted on—

(A) the plat recorded in the Office of the Teton County Clerk and Recorder on December 16, 1997, numbered 918, entitled ''Final Plat GT Park Subdivision'', and dated June 18, 1997; and

(B) the map entitled ''2006 Proposed Grand Teton Boundary Adjustment'', numbered 136/80,198, and dated March 21, 2006, which shall be on file and available for inspection in appropriate offices of the National Park Service.

SEC. 3. ACQUISITION OF LAND.

(a) IN GENERAL.—The Secretary may accept from any willing donor the donation of any land or interest in land of the Subdivision.

(b) ADMINISTRATION.—On acquisition of land or an interest in land under subsection (a), the Secretary shall—

(1) include the land or interest in the boundaries of the Park; and

(2) administer the land or interest as part of the Park, in accordance with all applicable laws (including regulations).

(c) DEADLINE FOR ACQUISITION.—It is the intent of Congress that the acquisition of land or an interest in land under subsection (a) be completed not later than 1 year after the date of enactment of this Act.

(d) RESTRICTION ON TRANSFER.—The Secretary shall not donate, sell, exchange, or otherwise transfer any land acquired under this section without express authorization from Congress.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

Amend the title so as to read: ''To modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.''.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2403), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

TO DIRECT THE SECRETARY OF THE INTERIOR TO CONDUCT A BOUNDARY STUDY

The bill (H.R. 394) to direct the Secretary of the Interior to conduct a

boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

PINE SPRINGS LAND EXCHANGE ACT

The Senate proceeded to consider the bill (H.R. 482) to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, 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 ''Pine Springs land Exchange Act''.

SEC. 2. DEFINITIONS

In this Act:

(1) FEDERAL LAND—.The term 'Federal land' means the 3 parcels of Forest land (including any improvements on the land), comprising approximately 80 acres, as depicted on the map.

(2) FOREST.—The term ''Forest'' means the Lincoln National Forest in the State of New Mexico.

(3) MAP.—The term ''map'' means the map entitled ''Pine Springs Land Exchange'' and dated May 25, 2004.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the parcel of University land comprising approximately 80 acres, as depicted on the map.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(6) UNIVERSITY.—The term ''University'' means Lubbock Christian University in the State of New Mexico.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—In exchange for the conveyance to the Secretary of the non-Federal land by the University, the Secretary shall convey to the University, by quitclaim deed, all right, title, and interest of the United States in and to the Federal land.

(b) MAP.—

(1) AVAILABILITY OF MAP.—The map shall be on file and available for inspection in—

(A) the Office of the Chief of the Forest Service; and

(B) the Office of the Supervisor of Lincoln National Forest.

(2) MINOR ERRORS.—The Secretary and the University may correct any minor errors in the map.

SEC. 4. EXCHANGE TERMS AND CONDITIONS.

(a) IN GENERAL.—The conveyance of Federal land under section 3(a) shall be subject to—

(1) any valid existing rights; and

(2) any additional terms and conditions that the Secretary determines to be appropriate to protect the interests of the United States.

(b) ACCEPTABLE TITLE.—Title to the Non-Federal Land Shall—

(1) conform with the title approval standards of the Attorney General applicable to Federal land acquisitions; and

(2) otherwise be acceptable to the Secretary.

(c) COMPLIANCE WITH FEDERAL LAND POLICY AND MANAGEMENT ACT.—The land exchange authorized under section 3(a) shall be carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(d) COSTS.—The costs of carrying out the exchange of Federal land and non-Federal land shall be shared equally by the Secretary and the University.

SEC. 5. MISCELLANEOUS PROVISIONS.

(a) REVOCATION 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 in accordance with this Act.

(2) WITHDRAWAL OF FEDERAL LAND.—Subject to valid existing rights, pending the completion of the land exchange under section 3(a), the Federal land is withdrawn from all forms of location, entry, and patent under the public land laws, including—

(A) the mining and mineral leasing laws; and

(B) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(b) ADMINISTRATION OF LAND ACQUIRED BY THE UNITED STATES.—

(1) BOUNDARY ADJUSTMENT.—On acceptance of title by the Secretary to the non-Federal land—

(A) the non-Federal land shall become part of the Forest; and

(B) the boundaries of the Forest shall be adjusted to include the acquired land.

(2) 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 Forest, as modified under paragraph (1), shall be considered to be boundaries of the Forest as of January 1, 1965.

(3) MANAGEMENT.—The Secretary shall manage the non-Federal land acquired under section 3(a) in accordance with—

(A) the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 480 et seq.); and

(B) any other laws (including regulations) applicable to National Forest System land.

(c) DUTIES OF SECRETARY.—In exercising any discretion necessary to carry out this Act, the Secretary shall ensure that the public interest is well served.

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. 482), as amended, was read the third time and passed.

HOLLOMAN AIR FORCE BASE LAND EXCHANGE ACT

The Senate proceeded to consider the bill (H.R. 486) to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base, 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 ''Holloman Air Force Base Land Exchange Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term ''Federal land'' means the land administered by the Secretary consisting of a total of approximately 320 acres, as depicted on the map.

(2) MAP.—The term ''map'' means the map entitled ''Holloman AFB Land Exchange'' and dated May 19, 2006.

(3) NON-FEDERAL LAND.—The term ''non-Federal land'' means the parcel consisting of a total of approximately 241 acres of land, as depicted on the map, that is—

(A) contiguous to Holloman Air Force Base, New Mexico; and

(B) located within the required safety zone surrounding munitions storage bunkers at the installation.

(4) OWNER.—The term ''owner'' means an owner that is able to convey to the United States clear title to the non-Federal land.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—If the owner submits to the Secretary a request to exchange the non-Federal land for the Federal land or a portion of the Federal land, the Secretary shall convey to the owner all right, title, and interest of the United States in and to the Federal land or the applicable portion of the Federal land.

(b) CONSIDERATION.—As consideration for the conveyance of the Federal land under subsection (a), the owner shall convey to the United States all right, title, and interest of the owner in and to the non-Federal land.

(c) ADDITION TO MILITARY RESERVATION.—On acquisition of the non-Federal land by the Secretary, the Secretary shall—

(1) assume jurisdiction over the non-Federal land; and

(2) amend the withdrawal for the Holloman Air Force Base to include the non-Federal land.

(d) INTERESTS INCLUDED IN EXCHANGE.—Subject to valid existing rights, the land exchange under this Act shall include the conveyance of all surface, subsurface, mineral, and water rights to the Federal land and non-Federal land exchanged.

(e) COMPLIANCE WITH FEDERAL LAND POLICY AND MANAGEMENT ACT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall carry out the land exchange under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) CASH EQUALIZATION.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), a cash equalization payment may be made in excess of 25 percent of the appraised value of the Federal land.

(f) NO AMENDMENT TO MANAGEMENT PLAN REQUIRED.—The exchange of Federal land and non-Federal land shall not require an amendment to the White Sands Resource Management Plan.

(g) DISPOSITION AND USE OF PROCEEDS.—

(1) DISPOSITION OF PROCEEDS.—The Secretary shall deposit any cash equalization payments received under this Act in the Federal Land Disposal Account established under section 206(a) of the Federal Land Transaction Facilitation Act (43 US.C. 2305(a)).

(2) USE OF PROCEEDS.—Amounts deposited under paragraph (1) shall be expended in accordance with section 206(c) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(c)).

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions for the land exchange that the Secretary considers to be appropriate to protect the interests of the United States.

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. 486), as amended, was read the third time and passed.

RIVER RAISIN NATIONAL BATTLEFIELD STUDY ACT

The bill (H.R. 5132), to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Monroe County, Michigan, relating to the Battles of the River Raisin during the War of 1812, was considered, ordered to a third reading, read the third time, and passed.

CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL DESIGNATION ACT

The bill (H.R. 5466) to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail, was considered, ordered to a third reading, read the third time, and passed.

BLUNT RESERVOIR AND PIERRE CANAL LAND CONVEYANCE ACT OF 2006

The Senate proceeded to consider the bill (S. 2205) to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes.

The amendment (No. 5229) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Blunt Reservoir and Pierre Canal Land Conveyance Act of 2006''.

SEC. 2. BLUNT RESERVOIR AND PIERRE CANAL.

(a) DEFINITIONS.—In this section:

(1) BLUNT RESERVOIR FEATURE.—The term ''Blunt Reservoir feature'' means the Blunt Reservoir feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(2) COMMISSION.—The term ''Commission'' means the Commission of Schools and Public Lands of the State.

(3) NONPREFERENTIAL LEASE PARCEL.—The term ''nonpreferential lease parcel'' means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a nonpreferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(4) PIERRE CANAL FEATURE.—The term ''Pierre Canal feature'' means the Pierre Canal feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(5) PREFERENTIAL LEASEHOLDER.—The term ''preferential leaseholder'' means a person or descendant of a person that held a lease on a preferential lease parcel as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(6) PREFERENTIAL LEASE PARCEL.—The term ''preferential lease parcel'' means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a preferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) STATE.—The term ''State'' means the State of South Dakota, including a successor in interest of the State.

(9) UNLEASED PARCEL.—The term ''unleased parcel'' means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

(b) DEAUTHORIZATION.—The Blunt Reservoir feature is deauthorized.

(c) ACCEPTANCE OF LAND AND OBLIGATIONS.—

(1) IN GENERAL.—As a term of each conveyance under subsections (d)(5) and (e), respectively, the State may agree to accept—

(A) in ''as is'' condition, the portions of the Blunt Reservoir Feature and the Pierre Canal Feature that pass into State ownership;

(B) any liability accruing after the date of conveyance as a result of the ownership, operation, or maintenance of the features referred to in subparagraph (A), including liability associated with certain outstanding obligations associated with expired easements, or any other right granted in, on, over, or across either feature; and

(C) the responsibility that the Commission will act as the agent for the Secretary in administering the purchase option extended to preferential leaseholders under subsection (d).

(2) RESPONSIBILITIES OF THE STATE.—An outstanding obligation described in paragraph (1)(B) shall inure to the benefit of, and be binding upon, the State.

(3) OIL, GAS, MINERAL AND OTHER OUTSTANDING RIGHTS.—A conveyance to the State under subsection (d)(5) or (e) or a sale to a preferential leaseholder under subsection (d) shall be made subject to—

(A) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by or in favor of a third party; and

(B) any permit, license, lease, right-of-use, or right-of-way of record in, on, over, or across a feature referred to in paragraph (1)(A) that is outstanding as to a third party as of the date of enactment of this Act.

(4) ADDITIONAL CONDITIONS OF CONVEYANCE TO STATE.—A conveyance to the State under subsection (d)(5) or (e) shall be subject to the reservations by the United States and the conditions specified in section 1 of the Act of May 19, 1948 (chapter 310; 62 Stat. 240), as amended (16 U.S.C. 667b), for the transfer of property to State agencies for wildlife conservation purposes.

(d) PURCHASE OPTION.—

(1) IN GENERAL.—A preferential leaseholder shall have an option to purchase from the Secretary or the Commission, acting as an agent for the Secretary, the preferential lease parcel that is the subject of the lease.

(2) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a preferential leaseholder may elect to purchase a parcel on one of the following terms:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4); minus

(II) ten percent of that value.

(ii) Installment purchase, with 10 percent of the value of the parcel determined under paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(B) VALUE UNDER $10,000.—If the value of the parcel is under $10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(i).

(3) OPTION EXERCISE PERIOD.—

(A) IN GENERAL.—A preferential leaseholder shall have until the date that is 5 years after enactment of this Act to exercise the option under paragraph (1).

(B) CONTINUATION OF LEASES.—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Secretary the parcel leased by the preferential leaseholder under the same terms and conditions as under the lease, as in effect as of the date of enactment of this Act.

(4) VALUATION.—

(A) IN GENERAL.—The value of a preferential lease parcel shall be its fair market value for agricultural purposes determined by an independent appraisal less 25 percent, exclusive of the value of private improvements made by the leaseholders while the land was federally owned before the date of the enactment of this Act, in conformance with the Uniform Appraisal Standards for Federal Land Acquisition.

(B) FAIR MARKET VALUE.—Any dispute over the fair market value of a property under subparagraph (A) shall be resolved in accordance with section 2201.4 of title 43, Code of Federal Regulations.

(5) CONVEYANCE TO THE STATE.—

(A) IN GENERAL.—If a preferential leaseholder fails to purchase a parcel within the period specified in paragraph (3)(A), the Secretary shall offer to convey the parcel to the State of South Dakota Department of Game, Fish, and Parks.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(6) USE OF PROCEEDS.—Proceeds of sales of land under this Act shall be deposited as miscellaneous funds in the Treasury and such funds shall be made available, subject to appropriations, to the State for the establishment of a trust fund to pay the county taxes on the lands received by the State Department of Game, Fish, and Parks under the bill.

(e) CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(1) CONVEYANCE BY SECRETARY TO STATE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall offer to convey to the South Dakota Department of Game, Fish, and Parks the nonpreferential lease parcels and

unleased parcels of the Blunt Reservoir and Pierre Canal.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(2) LAND EXCHANGES FOR NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(A) IN GENERAL.—With the concurrence of the South Dakota Department of Game, Fish, and Parks, the South Dakota Commission of Schools and Public Lands may allow a person to exchange land that the person owns elsewhere in the State for a nonpreferential lease parcel or unleased parcel at Blunt Reservoir or Pierre Canal, as the case may be.

(B) PRIORITY.—The right to exchange nonpreferential lease parcels or unleased parcels shall be granted in the following order or priority:

(i) Exchanges with current lessees for nonpreferential lease parcels.

(ii) Exchanges with adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.

(C) EASEMENT FOR WATER CONVEYANCE STRUCTURE.—As a condition of the exchange of land of the Pierre Canal Feature under this paragraph, the United States reserves a perpetual easement to the land to allow for the right to design, construct, operate, maintain, repair, and replace a pipeline or other water conveyance structure over, under, across, or through the Pierre Canal feature.

(f) RELEASE FROM LIABILITY.—

(1) IN GENERAL.—Effective on the date of conveyance of any parcel under this Act, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the parcel, except for damages for acts of negligence committed by the United States or by an employee, agent, or contractor of the United States, before the date of conveyance.

(2) NO ADDITIONAL LIABILITY.—Nothing in this section adds to any liability that the United States may have under chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

(g) REQUIREMENTS CONCERNING CONVEYANCE OF LEASE PARCELS.—

(1) INTERIM REQUIREMENTS.—During the period beginning on the date of enactment of this Act and ending on the date of conveyance of the parcel, the Secretary shall continue to lease each preferential lease parcel or nonpreferential lease parcel to be conveyed under this section under the terms and conditions applicable to the parcel on the date of enactment of this Act.

(2) PROVISION OF PARCEL DESCRIPTIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Commission, shall provide the State a full legal description of all preferential lease parcels and nonpreferential lease parcels that may be conveyed under this section.

(h) CURATION OF ARCHEOLOGICAL COLLECTIONS.—The Secretary, in consultation with the State, shall transfer, without cost to the State, all archeological and cultural resource items collected from the Blunt Reservoir Feature and Pierre Canal Feature to the South Dakota State Historical Society.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $750,000 to reimburse the Secretary for expenses incurred in implementing this Act, and such sums as are necessary to reimburse the Commission and the State Department of Game, Fish, and Parks for expenses incurred implementing this Act, not to exceed 10 percent of the cost of each transaction conducted under this Act.

The bill (S. 2205), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

THE USE OF ENERGY EFFICIENT COMPUTER SERVERS IN THE UNITED STATES

The Senate proceeded to consider the bill (H.R. 5646) to study and promote the use of energy efficient computer servers in the United States.

The bill (H.R. 5646) was ordered to a third reading, was read the third time, and passed.

NATIONAL CHILDREN'S MEMORIAL DAY

Mr. DEWINE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Res. 590.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 590) designating the second Sunday in December 2006, as ''National Children's Memorial Day'' in conjunction with The Compassionate Friends Worldwide Candle Lighting.

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

Mr. DEWINE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 590) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 590

Whereas approximately 200,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from a myriad of causes;

Whereas stillbirth, miscarriage, and the death of an infant, child, teenager, or young adult are considered some of the greatest tragedies that a parent or family could ever endure;

Whereas a supportive environment, empathy, and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one;

Whereas the mission of The Compassionate Friends is to assist families working towards the positive resolution of grief following the death of a child of any age and to provide information to help others be supportive; and

Whereas the work of local chapters of The Compassionate Friends provides a caring environment in which bereaved parents, grandparents, and siblings can work through their grief with the help of others: Now, therefore, be it

Resolved, That the Senate—

(1) designates the second Sunday in December 2006, as ''National Children's Memorial Day'' in conjunction with The Compassionate Friends Worldwide Candle Lighting;

(2) supports the efforts of The Compassionate Friends to assist and comfort families grieving the loss of a child; and

(3) calls upon the people of the United States to observe National Children's Memorial Day with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died.

CORRECTING THE ENROLLMENT OF H.R. 5946

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 123, which was submitted earlier today, that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 123) was agreed to, as follows:

S. CON. RES.

Resolved by the Senate (the House of Representatives concurring) That, in the enrollment of the bill H.R. 5946, the Clerk of the House shall make the following corrections:

(1) In the table of contents, strike the item relating to section 702 and redesignate the item relating to section 703 as relating to section 702.

(2) In title VII, strike section 702 and redesignate section 703 as section 702.

RETIREMENT OF LINDA E. SEBOLD

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 626, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 626) relating to the retirement of Linda E. Sebold.

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

Mr. FRIST. Mr. President, after 33 years of service to the U.S. Senate, Linda Sebold has decided to retire. Linda began her Senate career with the Office of the Secretary of the Senate back in August of 1973, and until this day Linda remains totally dedicated to the Senate. After 5 years as an assistant in the Disbursing Office, Linda became the Committee Scheduling Coordinator for the Daily Digest. In time, through dedication and hard work, Linda was named the Assistant Editor of the Digest, and in the spring of 1999, Linda was appointed Editor of the Digest.

Throughout Linda's years of service, the combination of her experience and work ethic allowed her to produce a top flight Daily Digest. The Digest is one those valuable Senate resources thoroughly examined the first thing each morning by many Senate and House staffers. Some people with Linda's years of experience might have become complacent, but throughout her service, Linda remained vigilant, working closely with Senate committee staff, the Government Printing

Office, the Senate Sergeant at Arms technical development staff, the Secretary's information technology staff, and her counterparts in the House of Representatives in search of possible improvements for the Digest.

Over the years, Linda's achievements were not limited to the Daily Digest. Linda's recommendations led to numerous improvements being implemented to the Senate-wide Legislative Information System. Linda has contributed significantly to the Senate's continuity of operations planning. Linda has been a true leader among the Secretary's legislative staff. Linda has been the ultimate teacher and mentor for all those fortunate enough to have worked with her. During her time with the Senate, one of Linda's most important roles has been the time she has taken to counsel and encourage young people, especially ''young moms,'' with respect to the personal demands associated with working Senate hours.

As our Senate family says goodbye to Linda and thanks her for always having the best interest of the Senate at heart over the past 33 years, it is also fitting that we acknowledge her greatest accomplishment, her beautiful family. It is our wish that Linda, her loving husband Jerry, her son Brian and daughter Karen, enjoy a future filled with health, happiness, and many treasured memories. We thank Linda's family for their many sacrifices during Linda's career and sincerely thank them for sharing Linda with the Senate.

Thank you, Linda.

Mr. REID. Mr. President, the end of the 109th Congress marks the end of a very distinguished career of Linda Sebold, Editor of the Senate Daily Digest.

After 33 years of Senate service, Linda has decided that she will retire and spend time with her family. Linda began her Senate career with the Office of the Secretary of the Senate in August 1973, and remained a totally dedicated Senate employee.

Through her hard work and dedication, Linda advanced through the ranks and was named Assistant Editor of the Digest, and in the spring of 1999, Linda was appointed Editor of the Digest.

Over the course of Linda's Senate career, she had made numerous contributions which have been instrumental in the development of the Senate-wide Legislative Information System, LIS. Additionally, she had worked diligently in the area of the Senate's continuity of operations planning. Linda has been a true leader in the Senate's legislative staff operations.

It is our hope and wish that Linda, along with her husband Jerry and her children, Brian and Karen, will enjoy many days and family fun, and we wish her well as she embarks on her adventure of retirement.

Good luck, Linda, and thank you very much for your service to the Senate and the Nation.

Mr. DEWINE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 626) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 626

Whereas Linda E. Sebold has faithfully served the United States Senate for more than 33 years;

Whereas Linda began her service to the Senate as an assistant in the Disbursing Office in 1973;

Whereas Linda became the Committee Scheduling Coordinator for the Daily Digest in 1978 and was promoted to Editor of the Daily Digest in 1999;

Whereas Linda has been a leader in implementing technological advances in the preparation of the Daily Digest;

Whereas Linda has made a significant contribution to continuity of government planning;

Whereas, during her 33½ year tenure, she has at all times discharged the difficult duties and responsibilities of her office with extraordinary efficiency, aplomb, and devotion;

Whereas Linda's service to the Senate has been marked by her personal commitment to the highest standards of excellence; and

Whereas Linda is retiring after more than 33 years service to the United States Senate: Now, therefore, be it

Resolved, That Linda E. Sebold be and hereby is commended for her outstanding service to her country and to the United States Senate.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Linda E. Sebold.

COMMEMORATING THE ONE-YEAR ANNIVERSARY OF THE TERRORIST ATTACKS IN AMMAN, JORDAN

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 627, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 627) commemorating the one-year anniversary of the November 9, 2005, terrorist attacks in Amman, Jordan.

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

Mr. DEWINE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

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

The resolution (S. Res. 627) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 627

Whereas on November 9, 2005, a series of terrorist bombs exploded at the Radisson, Hyatt, and Days Inn hotels in Amman, Jordan, resulting in the deaths of scores of civilians and the injuries of hundreds of others;

Whereas Jordan has been targeted in several terrorist attacks over the past few years and likely remains a target for Islamic extremists;

Whereas Jordan provided unequivocal support to the United States after the September 11, 2001, terrorist attacks;

Whereas Jordan has arrested suspected terrorists with possible ties to Osama bin Laden's Al Qaeda organization and has provided other critical support to the global war on terrorism; and

Whereas Jordan remains a firm ally of the United States in the global war against terrorism and in helping to achieve a lasting peace in the Middle East: Now, therefore, be it

Resolved, That the Senate—

(1) notes with sorrow the one-year anniversary of the November 9, 2005, terrorist attacks in Amman, Jordan;

(2) condemns in the strongest possible terms the November 9, 2005, terrorist attacks;

(3) expresses its ongoing condolences to the families and friends of those individuals who were killed in the attacks and its sympathies to those individuals who were injured;

(4) reiterates its support of the Jordanian people and their government;

(5) values the strong and lasting friendship between Jordan and the United States and the continuing cooperation of the two nations in political, economic, and humanitarian endeavors; and

(6) expresses its readiness to support and assist the Jordanian authorities in their efforts to pursue, disrupt, undermine, and dismantle the networks that plan and carry out such terrorist attacks as the November 9, 2005, terrorist attacks in Amman, Jordan.

SUPPORTING THE 200TH ANNIVERSARY OF THE NATION'S CHARTING AND RELATED SCIENTIFIC PROGRAMS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 628 which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 628) supporting the 200th anniversary of the Nation's nautical charting and related scientific programs, which formed the basis for what is today the National Oceanic and Atmospheric Administration.

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

Mr. DEWINE. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 628) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 628

Whereas the Act of February 10, 1807 (chapter VIII; 2 Stat. 4113), signed by President Thomas Jefferson, authorized and requested

the President ''to cause a survey be taken of the coast of the United States . . . together with such other matters as he may deem proper for completing an accurate chart of every part of the coasts'';

Whereas the Coast Survey was established to carry out the duties established under such Act, and was the first Federal science agency of the United States;

Whereas over time additional duties, including geodetic surveying and tide and current monitoring and predictions, were bestowed upon the agency, which was first known as the U.S. Coast Survey and later the U.S. Coast and Geodetic Survey;

Whereas, in addition to providing charts and information vital to the young nation's economic and commercial success, such pioneering agency led some of the nation's earliest oceanographic research, undertaking surveys of the Gulf Stream to determine temperatures, depths, direction, and velocity as well as the character of the seafloor and forms of vegetation and marine life;

Whereas the early technicians and scientists of such agency invented and supported the development of many innovative tools that led to advances in hydrographic, shoreline, and geodetic surveying and cartographic methods, the first real-time water level stations, and deep-sea anchoring;

Whereas during the 20th century such agency, by then re-named the Coast and Geodetic Survey, advanced the development and marine applications of electronics and acoustics, including the development of Radar Acoustic Ranging, radio sono-buoys and the Roberts Radio Current Meter Buoy;

Whereas throughout their history these programs have provided services in support of the Nation's commerce and defense serving in all theaters of the Civil War and in World Wars I and II as hydrographers, cartographers, topographers, and scouts, including the production of more than 100 million maps and charts for U.S. and Allied forces;

Whereas our Nation's interests and economy became increasingly interwoven with the marine and atmospheric environment, a number of Federal science agencies with complimentary functions, including the Weather Bureau and the Bureau of Commercial Fisheries, were combined with such agency to create the National Oceanic and Atmospheric Administration (NOAA);

Whereas today these mapping and charting, geodesy, and tide and current data programs are located in the National Ocean Service of NOAA, in the Coast Survey, the National Geodetic Survey, and the Center for Operational Oceanographic Products and Services;

Whereas these programs promote NOAA's commerce and transportation goals and continue to support the research, development and application of state-of-the-art surveying, mapping, charting, ocean observing, modeling, and Internet-based product delivery services to promote safe and efficient commerce and transportation and contributing to the advancement of integrated ocean and earth observing systems;

Whereas, these programs continue to demonstrate relevance, value, importance, and service promoting and employing innovative partnerships with other agencies, State and local authorities, academia, and the private sector;

Whereas, these programs work internationally as the United States representative to the International Hydrographic Organization and through other organizations to promote integrated and uniform standards, protocols, formats, and services;

Whereas in addition to commerce and transportation these programs also advance NOAA's weather and water, climate, and ecosystem missions including marine resource conservation, coastal management, and the protection of life and property from coastal storms and other hazards, as most recently demonstrated in responding to and facilitating the recovery of communities and commerce in the hurricane stricken Gulf Coast;

Whereas the devotion, industry, efficiency, and enterprise of these people and programs over their 200-year history have set an enviable record of public service: Now, therefore, be it

Resolved, by the Senate That the Senate—

(1) recognizes that for over 200 years, the National Oceanic and Atmospheric Administration and its predecessor agencies have been providing the Nation research, service, and stewardship of the marine environment, through products and services that protect lives and property, strengthen the economy, and support and sustain our coastal and marine resources;

(2) recognizes the vision of President Thomas Jefferson in supporting the advancement of science, and the survey of the coast in particular, to the welfare and commercial success of the Nation;

(3) recognizes the contributions made over the past 200 years by the past and current employees and officers of the Office of Coast Survey, the National Geodetic Survey, and the Center for Operational Oceanographic Products and Services of the National Oceanic and Atmospheric Administration; and

(4) encourages the people of the United States to salute and share in the planned celebrations of these historic programs during 2007 with ceremonies designed to give appropriate recognition to one of our oldest and most respected Federal agencies on the occasion of its bicentennial anniversary.

ESTABLISHING A PROCEDURE FOR AFFIXING AND REMOVING ARTWORK

Mr. DEWINE. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 629 which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 629) establishing a procedure for affixing and removing permanent artwork and semi-permanent artwork in the Senate wing of the Capitol and in the Senate office buildings.

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

Mr. DEWINE. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 629) was agreed to, as follows:

S. RES. 629

Resolved,

SECTION 1. STANDARDS FOR PERMANENT ARTWORK AND SEMI-PERMANENT ARTWORK.

No permanent artwork or semi-permanent artwork may be affixed to or removed from the walls, floors, or ceilings of the public spaces and committee rooms of the Senate wing of the Capitol and the Senate office buildings unless—

(1) the Senate Commission on Art—

(A) has recommended the affixation or removal; and

(B) in the case of an affixation of permanent artwork or semi-permanent artwork—

(i) has recommended an appropriate location for the affixation; and

(ii) has determined that—

(I) not less than 25 years have passed since the death of any subject in a portrait included in the permanent artwork or semi-permanent artwork; and

(II) not less than 25 years have passed since the commemorative event that is to be portrayed in the permanent artwork or semi-permanent artwork; and

(2) the Senate has passed a Senate resolution approving the recommendation of the Senate Commission on Art.

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that prior to making a recommendation to affix any permanent artwork or semi-permanent artwork to the walls, floors, or ceilings of the public spaces and committee rooms of the Senate wing of the Capitol and the Senate office buildings, the Senate Commission on Art should consider, at a minimum, the following:

(1) The significance of the original, intended, or existing permanent artwork or semi-permanent artwork in the installation space proposed for the additional permanent artwork or semi-permanent artwork.

(2) The existing conditions of the surface of the proposed installation space.

(3) The last time fixed art was added to the proposed installation space.

(4) The amount of area available for the installation of permanent artwork or semi-permanent artwork in the proposed installation space.

(5) The opinion of the Curatorial Advisory Board on such affixation.

SEC. 3. CREATION OF ARTWORK.

If a request to affix permanent artwork or semi-permanent artwork to the walls, floors, or ceilings of the public spaces and committee rooms of the Senate wing of the Capitol and the Senate office buildings meets the requirements of section 1, the Senate Commission on Art shall select the artist and shall supervise and direct the creation of the artwork and the application of the artwork to the selected surface.

SEC. 4. DEFINITIONS.

In this resolution—

(1) PERMANENT ARTWORK.—The term ''permanent artwork'' means artwork that when applied directly to a wall, ceiling, or floor has become part of the fabric of the building, based on a consideration of relevant factors including—

(A) the original intent when the artwork was applied;

(B) the method of application;

(C) the adaptation or essentialness of the artwork to the building; and

(D) whether the removal of the artwork would cause damage to either the artwork or the surface that contains it.

(2) SEMI-PERMANENT ARTWORK.—The term ''semi-permanent artwork'' means artwork that when applied directly to the surface of a wall, ceiling, or floor can be removed without damaging the artwork or the surface to which the artwork is applied.

HONORING THE MEMORY OF ARNOLD ''RED'' AUERBACH

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 497 just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 497) to honor the memory of Arnold ''Red'' Auerbach.

There being no objection, the Senate proceeded to consider the concurrent resolution.

ARNOLD ''RED'' AUERBACH

Mr. KENNEDY. Mr. President, today, we pay special tribute to a giant of sports in Massachusetts we are proud to call our own. I was honored to speak at his memorial service in Boston, and I am honored today to offer this resolution on the one and only Arnold ''Red'' Auerbach, who died in October at the age of 89.

Red was a pioneer in sports and in civil rights as well. He has been widely praised as one of the architects of the new Boston. He will never be forgotten—and there will never be another like him.

Basketball was his sport, and the Celtics he led with the legendary Bob Cousy and incomparable Bill Russell set the gold standard for the NBA for many years and transformed his city as well as his sport.

The stories of his competitive drive have become legendary. Red had a deep and abiding passion for life and for living each day as if it was a gift from above. Whenever you were in his presence, you could sense the powerful joy that comes to the rare few like Red Auerbach, who know they have done everything possible in every way on every day to achieve their dream.

Red Auerbach was a great coach and also a great man. He believed in winning, but he also believed that every individual should have the chance to be a winner. In the 1950s, before every Celtics game Red would invite a few children to play a brief game of basketball, complete with uniforms, official referees, and all the rest on the famous Boston Garden parquet floor. One player would be from the CYO, one from Chinatown, one from Roxbury, and one from the Young Men's Hebrew Association.

Long before anyone ever dreamed of it, Red had created his own ''Rainbow Coalition,'' and he continued to champion civil rights all his life. He was the first to go overseas with American players to teach basketball to children in Europe and Asia, and he deserves immense credit for making it the international game it is today.

But his heart was in Boston, where he single-handedly put basketball on the map. He created the famous Celtic ''magic & mystique,'' and renewed it year after year with exciting basketball. In the end, he led the Celtics to 9 world championships as coach—8 in a row and 16 world championships altogether. He was voted greatest coach of all time by the Professional Basketball Writers of America.

Few giants in the world are known by one name—Cher, Madonna, Elvis, Bono, and our very own ''Red.'' He will be greatly missed and never forgotten, and his record of success will probably never be matched anywhere.

It is an honor to urge my colleagues in the Senate to support this resolution. Even if you rooted against the Celtics, Red Auerbach made your home team great, too.

Mr. KERRY. Mr. President, I want to express my thanks to all of my colleagues for adopting this resolution to honor the memory of Boston's greatest sports champion and legend, Arnold ''Red'' Auerbach. Plain and simple, Red Auerbach was basketball. He was more than just the greatest NBA coach of all time; he was the creator of the modern professional game.

Through the selection of the likes of Cousy, Russell, Havlicek, and Bird, Red built the greatest basketball dynasty in history. During two decades of coaching, Red Auerbach won 938 games and led the Boston Celtics to a record 9 National Basketball Association, NBA, championship titles. He was inducted into the Basketball Hall of Fame twice, once for his coaching and once for his contributions to the game. In 1980, Red was voted the greatest coach in NBA history by the Professional Basketball Writers Association of America. Fourteen of Red's players have been inducted into the Basketball Hall of Fame. After moving to the Celtics front office in 1966, Red's knowledge of basketball was instrumental in helping the Celtics win seven additional NBA titles.

In 1985, a life-size sculpture of Red Auerbach was placed in Boston's historic Faneuil Hall Marketplace to honor Red's contributions to the Boston Celtics and the city of Boston.

Most importantly, Red was known as a visionary and for his fierce loyalty to the people who worked for the Boston Celtics. From the players, to the coaches, to the ball boys, Red recognized the goodness in people and brought out the greatness in everyone he touched. He was an agent of change, hiring the first African-American coach in all of pro sports and drafting the league's first African-American player.

Red will be forever remembered as Boston's greatest winner on the court, but through the Red Auerbach Youth Foundation, he made a difference in thousands of young lives throughout Massachusetts. Red's foundation focuses on getting children, who would not otherwise participate, involved in sports and to bring children of all racial and ethnic backgrounds together through sports.

Red was also a proud Navy man. The values of honor, commitment, and integrity that Red brought to his coaching were also taught in the Navy where he served so proudly. The Navy's ''Lone Sailor Award,'' which he recently received, will sit in a special place of honor in this giant's trophy case along with an awe inspiring number of championship trophies.

My thoughts and prayers go out to his children, Randy and Nancy, and his granddaughter Julie during this very difficult time. We take comfort knowing he is once again in the arms of his beloved Dot. While we may never again catch a whiff of that unforgettable cigar smoke or see him shake his rolled up program at a bad call by an official again, we will never forget the man who taught us how to win again and inspired a city to be champions. Boston—indeed America—lost one of its finest with Red's passing. And I am so pleased that the U.S. Senate is honoring his life today by passing this resolution.

Mr. DEWINE. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD without intervening action or debate.

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

The concurrent resolution (H. Con. Res. 497) was agreed to.

The preamble was agreed to.

AMENDING THE CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION ACT

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 623, S. 1535.

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

The legislative clerk read as follows:

A bill (S. 1535) to amend the Cheyenne River Sioux Tribe Equitable Compensation Amendments Act to provide compensation to members of the Cheyenne River Sioux Tribe for damage resulting from the Oahe Dam and Reservoir Project, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, 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 ''Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2006''.

SEC. 2. FINDINGS.

(a) FINDINGS.—Congress finds that—

(1) the Pick-Sloan Missouri River Basin program, authorized by section 9 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 891), was intended to promote the general economic development of the United States;

(2) the Oahe Dam and Reservoir Project—

(A) is a major component of the Pick-Sloan Missouri River Basin program; and

(B) contributes to the national economy;

(3) the Oahe Dam and Reservoir Project flooded the fertile bottom land of the Cheyenne River Sioux Reservation, which greatly damaged the economy and cultural resources of the Cheyenne River Sioux Tribe and caused the loss of many homes and communities of members of the Tribe;

(4) Congress has provided compensation to several Indian tribes, including the Cheyenne River Sioux Tribe, that border the Missouri River and suffered injury as a result of 1 or more of the Pick-Sloan projects;

(5) on determining that the compensation paid to the Cheyenne River Sioux Tribe was inadequate, Congress enacted the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106–511; 114 Stat. 2365), which created the Cheyenne River Sioux Tribal Recovery Trust Fund; and

(6) that Act did not provide for additional compensation to members of the Cheyenne River Sioux Tribe that lost land as a result of the Oahe Dam and Reservoir Project.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide that the Cheyenne River Sioux Tribal Recovery Trust Fund may be used to provide compensation to members of the Cheyenne River Sioux Tribe that lost land as a result of the Oahe Dam and Reservoir Project; and

(2) to provide for the capitalization of the Cheyenne River Sioux Tribal Recovery Trust Fund.

SEC. 3. CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION.

(a) FINDINGS AND PURPOSES.—Section 102 of the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106–511; 114 Stat. 2365) is amended—

(1) in subsection (a)(3), by striking subparagraphs (A) and (B) and inserting the following:

''(A) the United States did not justly or fairly compensate the Tribe and member landowners for the Oahe Dam and Reservation project, under which the United States acquired 104,492 acres of land of the Tribe and member landowners; and

''(B) the Tribe and member landowners should be adequately compensated for that land;''; and

(2) in subsection (b)(1), by inserting ''and member landowners'' after ''Tribe'' each place it appears.

(b) DEFINITIONS.—Section 103 of the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106–511; 114 Stat. 2365) is amended—

(1) by redesignating paragraph (1) as paragraph (3) and moving the paragraph so as to appear after paragraph (2); and

(2) by inserting before paragraph (2) the following:

''(1) MEMBER LANDOWNER.—The term 'member landowner' means a member of the Tribe (or an heir of such a member) that owned land (including land allotted under the Act of February 8, 1887 (24 Stat. 388, chapter 119)) located on the Cheyenne River Sioux Reservation that was acquired by the United States for the Oahe Dam and Reservoir Project.''.

(c) CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.—Section 104 of the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106–511; 114 Stat. 2365) is amended—

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

''(b) FUNDING.—On the first day of the fiscal year beginning after the date of enactment of the Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2006 and on the first day of each of the following 4 fiscal years (referred to in this section as the 'capitalization dates'), the Secretary of the Treasury shall deposit into the Fund, from amounts in the general fund of the Treasury—

''(1) $58,144,591.60; and

''(2) an additional amount equal to the amount of interest that would have accrued if—

''(A) the amount described in paragraph (1) had been—

''(i) credited to the principal account as described in subsection (c)(2)(B)(i)(I) on the first day of the fiscal year beginning October 1, 2001; and

''(ii) invested as described in subsection (c)(2)(C) during the period beginning on the date described in clause (i) and ending on the last day of the fiscal year before the fiscal year in which that amount is deposited into the Fund; and

''(B) the interest that would have accrued under subparagraph (A) during the period described in subparagraph (A)(ii) had been—

''(i) credited to the interest account under subsection (c)(2)(B)(ii); and

''(ii) invested during that period in accordance with subsection (c)(2)(D)(i).'';

(2) by striking subsection (c) and inserting the following:

''(c) INVESTMENTS.—

''(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the Fund only in interest-bearing obligations of the United States issued directly to the Fund.

''(2) INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest the Fund in accordance with this paragraph.

''(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

''(i) PRINCIPAL ACCOUNT.—The amounts deposited into the Fund under subsection (b)(1) shall be—

''(I) credited to a principal account within the Fund (referred to in this paragraph as the 'principal account'); and

''(II) invested in accordance with subparagraph (C).

''(ii) INTEREST ACCOUNT.—

''(I) IN GENERAL.—The interest earned from investing amounts in the principal account shall be—

''(aa) transferred to a separate interest account within the Fund (referred to in this paragraph as the 'interest account'); and

''(bb) invested in accordance with subparagraph (D).

''(II) CREDITING.—The interest earned from investing amounts in the interest account, and the amounts deposited into the Fund under subsection (b)(2), shall be credited to the interest account.

''(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

''(i) INITIAL INVESTMENT.—Amounts in the principal account shall be initially invested in eligible obligations with the shortest available maturity.

''(ii) SUBSEQUENT INVESTMENTS.—

''(I) IN GENERAL.—On the date on which the amount in the principal account is divisible into 3 substantially equal portions, each portion shall be invested in eligible obligations that are identical (except for transferability) to the next-issued publicly-issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

''(II) MATURITY OF OBLIGATIONS.—As each 2-year, 5-year, and 10-year eligible obligation under subclause (I) matures, the principal of the maturing eligible obligation shall be initially invested in accordance with clause (i) until the date on which the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly-issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

''(iii) DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in available eligible obligations that are identical (except for transferability) to the next-issued publicly-issued Treasury obligations with maturities of longer than 1 year.

''(D) INVESTMENT OF INTEREST ACCOUNT.—

''(i) BEFORE EACH CAPITALIZATION DATE.—For purposes of subsection (b)(2)(B), amounts considered as if they were in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly-issued Treasury obligations that have maturities that coincide, to the greatest extent practicable, with the applicable capitalization date for the Fund.

''(ii) ON AND AFTER EACH CAPITALIZATION DATE.—On and after each capitalization date, amounts in the interest account shall be invested and reinvested in eligible obligations that are identical (except for transferability) to publicly-issued Treasury obligations that have maturities that coincide, to the greatest extent practicable, with the date on which the amounts will be withdrawn by the Secretary of the Treasury and transferred to the Secretary of the Interior for use in accordance with subsection (d).

''(E) PAR PURCHASE PRICE.—

''(i) IN GENERAL.—To preserve in perpetuity the amount in the principal account, the purchase price of an eligible obligation purchased as an investment of the principal account shall not exceed the par value of the obligation.

''(ii) TREATMENT.—At the maturity of an eligible obligation described in clause (i), any discount from par in the purchase price of the eligible obligation shall be treated as interest paid at maturity.

''(F) HOLDING TO MATURITY.—Eligible obligations purchased pursuant to this paragraph shall be held to their maturities.

''(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Tribe the results of the investment activities and financial status of the Fund during the preceding calendar year.

''(4) MODIFICATIONS.—

''(A) IN GENERAL.—If the Secretary of the Treasury determines that investing the Fund in accordance with paragraph (2) is not practicable or would result in adverse consequences to the Fund, the Secretary of the Treasury shall modify the requirements to the least extent necessary, as determined by the Secretary of the Treasury.

''(B) CONSULTATION.—Before making a modification under subparagraph (A), the Secretary of the Treasury shall consult with the Tribe with respect to the modification.'';

(3) in subsection (d), by striking paragraph (1) and inserting the following:

''(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the fiscal year beginning after the date of enactment of the Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2006, and on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw and transfer all funds in the interest account of the Fund to the Secretary of the Interior for use in accordance with paragraph (2), to be available without fiscal year limitation.''; and

(4) in subsection (f)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following:

''(3) MEMBER LANDOWNERS.—

''(A) ADDITIONAL COMPENSATION.—

''(i) IN GENERAL.—Except as provided in clause (iii), the plan may provide for the payment of additional compensation to member landowners for acquisition of land by the United States for use in the Oahe Dam and Reservoir Project.

''(ii) DETERMINATION OF HEIRS.—An heir of a member landowner shall be determined in accordance with the probate code governing the estate of the member landowner.

''(iii) EXCEPTION.—During any fiscal year, payments of additional compensation to a member landowner under clause (i) shall not—

''(I) be deposited or transferred into—

''(aa) the Individual Indian Money account of the member landowner; or

''(bb) any other fund held by the United States on behalf of the member landowner; or

''(II) exceed an amount equal to 44.3 percent of the amount transferred by the Secretary of the Interior to the Tribe under paragraph (2).

''(B) PROVISION OF RECORDS.—To assist the Tribe in processing claims of heirs of member landowners for land acquired by the United States for use in the Oahe Dam and Reservoir Project, the Secretary of the Interior shall provide to the Tribe, in accordance with applicable laws (including regulations), any record requested by the Tribe to identify the heirs of member landowners by the date that is 90 days after the date of receipt of a request from the Tribe.''.

(d) ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.—Section 105 of the Cheyenne River Sioux Tribe Equitable Compensation

Act (Public Law 106–511; 114 Stat. 2365) is amended in the matter preceding paragraph (1) by inserting ''or any member landowner'' after ''Tribe''.

(e) EXTINGUISHMENT OF CLAIMS.—Section 107 of the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106–511; 114 Stat. 2368) is amended to read as follows:

''SEC. 107. EXTINGUISHMENT OF CLAIMS.

''(a) IN GENERAL.—On the date on which the final payment is deposited into the Fund under section 104(b), all monetary claims that the Tribe has or may have against the United States for the taking by the United States of land and property of the Tribe for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program shall be extinguished.

''(b) EFFECT OF ACCEPTANCE OF PAYMENT.—On acceptance by a member landowner or an heir of a member landowner of any payment by the Tribe for damages resulting from the taking by the United States of land or property of the Tribe for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program, all monetary claims that the member landowner or heir has or may have against the United States for the taking shall be extinguished.''.

Mr. DEWINE. Mr. President, I ask unanimous consent that the committee-reported amendment 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 committee amendment in the nature of a substitute was agreed to.

The bill (S. 1535), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

TO REAUTHORIZE PERMANENTLY THE USE OF PENALTY AND FRANKED MAIL IN EFFORTS RELATING TO THE LOCATION AND RECOVERY OF MISSING CHILDREN

Mr. DEWINE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 4416, 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 (H.R. 4416) to reauthorize permanently the use of penalty and franked mail in efforts relating to the location and recovery of missing children.

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

Mr. DEWINE. Mr. President, I ask unanimous consent that 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. 4416) was ordered to a third reading, was read the third time, and passed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MEASURE READ THE FIRST TIME—S. 4110

Mr. DEWINE. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

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

The legislative clerk read as follows:

A bill (S. 4110) to enhance Federal Trade Commission enforcement against illegal spam, spywear, and cross-border fraud and deception, and for other purposes.

Mr. DEWINE. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

(On Thursday, November 16, 2006, the Senate took the following action:)

ENDORSING FURTHER ENLARGEMENT OF NATO

Mr. FRIST. I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. 4014 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. 4014) to endorse further enlargement of the North Atlantic Treaty Organization.

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

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements related to the measure be printed in the RECORD.

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

The bill (S. 4014) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4014

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 ''NATO Freedom Consolidation Act of 2006''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The sustained commitment of the North Atlantic Treaty Organization (NATO) to mutual defense has made possible the democratic transformation of Central and Eastern Europe. Members of the North Atlantic Treaty Organization can and should play a critical role in addressing the security challenges of the post-Cold War era in creating the stable environment needed for those emerging democracies in Europe.

(2) Lasting stability and security in Europe requires the military, economic, and political integration of emerging democracies into existing European structures.

(3) In an era of threats from terrorism and the proliferation of weapons of mass destruction, the North Atlantic Treaty Organization is increasingly contributing to security in the face of global security challenges for the protection and interests of its member states.

(4) In the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note), Congress declared that ''full and active participants in the Partnership for Peace in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area should be invited to become full NATO members in accordance with Article 10 of such Treaty at an early date . . . ''.

(5) In the NATO Enlargement Facilitation Act of 1996 (title VI of section 101(c) of title I of division A of Public Law 104–208; 22 U.S.C. 1928 note), Congress called for the prompt admission of Poland, Hungary, the Czech Republic, and Slovenia to the North Atlantic Treaty Organization, and declared that ''in order to promote economic stability and security in Slovakia, Estonia, Latvia, Lithuania, Romania, Bulgaria, Albania, Moldova, and Ukraine . . . the process of enlarging NATO to include emerging democracies in Central and Eastern Europe should not be limited to consideration of admitting Poland, Hungary, the Czech Republic, and Slovenia as full members of the NATO Alliance''.

(6) In the European Security Act of 1998 (title XXVII of division G of Public Law 105–277; 22 U.S.C. 1928 note), Congress declared that ''Poland, Hungary, and the Czech Republic should not be the last emerging democracies in Central and Eastern Europe invited to join NATO'' and that ''Romania, Estonia, Latvia, Lithuania, and Bulgaria . . . would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members [and] upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date''.

(7) In the Gerald B. H. Solomon Freedom Consolidation Act of 2002 (Public Law 107–187; 22 U.S.C. 1928 note), Congress endorsed ''. . . the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996''.

(8) At the Madrid Summit of the North Atlantic Treaty Organization in July 1997, Poland, Hungary, and the Czech Republic were invited to join the Alliance, and the North Atlantic Treaty Organization heads of state and government issued a declaration stating ''[t]he alliance expects to extend further invitations in coming years to nations willing and able to assume the responsibilities and obligations of membership . . . [n]o European democratic country whose admission would fulfill the objectives of the [North Atlantic] Treaty will be excluded from consideration''.

(9) At the Washington Summit of the North Atlantic Treaty Organization in April 1999, the North Atlantic Treaty Organization heads of state and government issued a communiqué declaring ''[w]e pledge that NATO will continue to welcome new members in a position to further the principles of

the [North Atlantic] Treaty and contribute to peace and security in the Euro-Atlantic area ... [t]he three new members will not be the last ... [n]o European democratic country whose admission would fulfill the objectives of the Treaty will be excluded from consideration, regardless of its geographic location ... ''.

(10) In May 2000 in Vilnius, Lithuania, the foreign ministers of Albania, Bulgaria, Estonia, Latvia, Lithuania, the Republic of Macedonia, Romania, Slovakia, and Slovenia issued a statement (later joined by Croatia) declaring that—

(A) their countries will cooperate in jointly seeking membership in the North Atlantic Treaty Organization in the next round of enlargement of the North Atlantic Treaty Organization;

(B) the realization of membership in the North Atlantic Treaty Organization by one or more of these countries would be a success for all; and

(C) eventual membership in the North Atlantic Treaty Organization for all of these countries would be a success for Europe and for the North Atlantic Treaty Organization.

(11) On June 15, 2001, in a speech in Warsaw, Poland, President George W. Bush stated ''[a]ll of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom—and the same chance to join the institutions of Europe—as Europe's old democracies have ... I believe in NATO membership for all of Europe's democracies that seek it and are ready to share the responsibilities that NATO brings ... [a]s we plan to enlarge NATO, no nation should be used as a pawn in the agenda of others ... [w]e will not trade away the fate of free European peoples ... [n]o more Munichs ... [n]o more Yaltas ... [a]s we plan the Prague Summit, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom''.

(12) On October 22, 1996, in a speech in Detroit, Michigan, former President William J. Clinton stated ''NATO's doors will not close behind its first new members ... NATO should remain open to all of Europe's emerging democracies who are ready to shoulder the responsibilities of membership ... [n]o nation will be automatically excluded ... [n]o country outside NATO will have a veto ... [a] gray zone of insecurity must not reemerge in Europe''.

(13) At the Prague Summit of the North Atlantic Treaty Organization in November 2002, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia were invited to join the Alliance in the second round of enlargement of the North Atlantic Treaty Organization since the end of the Cold War, and the North Atlantic Treaty Organization heads of state and government issued a declaration stating ''NATO's door will remain open to European democracies willing and able to assume the responsibilities and obligations of membership, in accordance with Article 10 of the Washington Treaty''.

(14) On May 8, 2003, the United States Senate unanimously approved the Resolution of Ratification to Accompany Treaty Document No. 108–4, Protocols to the North Atlantic Treaty of 1949 on Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, inviting Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to join the North Atlantic Treaty Organization.

(15) At the Istanbul Summit of the North Atlantic Treaty Organization in June 2004, the North Atlantic Treaty Organization heads of state and government issued a communiqué reaffirming that NATO's door remains open to new members, declaring ''[w]e celebrate the success of NATO's Open Door Policy, and reaffirm tody that our seven new members will not be the last. The door to membership remains open. We welcome the progress made by Albania, Croatia, and the former Yugoslav Republic of Macedonia (1) in implementing their Annual National Programmes under the Membership Action Plan, and encourage them to continue pursuing the reforms necessary to progress toward NATO membership. We also commend their contribution to regional stability and cooperation. We want all three countries to succeed and will continue to assist them in their reform efforts. NATO will continue to assess each country's candidacy individually, based on the progress made towards reform goals pursued through the Membership Action Plan, which will remain the vehicle to keep the readiness of each aspirant for membership under review. We direct that NATO Foreign Ministers keep the enlargement process, including the implementation of the Membership Action Plan, under continual review and report to us. We will review at the next Summit progress by aspirants towards membership based on that report''.

(16) Georgia has stated its desire to join the Euro-Atlantic community, and in particular, is seeking to join North Atlantic Treaty Organization. Georgia is working closely with the North Atlantic Treaty Organization and its members to meet criteria for eventual membership in NATO.

(17) At a press conference with President Mikhail Saakashvili of Georgia in Washington, D.C. on July 5, 2006, President George W. Bush stated that '' ... I believe that NATO would benefit with Georgia being a member of NATO, and I think Georgia would benefit. And there's a way forward through the Membership Action Plan ... And I'm a believer in the expansion of NATO. I think it's in the world's interest that we expand NATO''.

(18) Following a meeting of NATO Foreign Ministers in New York on September 21, 2006, NATO Secretary General Jaap de Hoop Scheffer announced the launching of an Intensified Dialogue on membership between the Alliance and Georgia.

(19) Contingent upon their continued implementation of democratic, defense, and economic reform, and their willingness and ability to meet the responsibilities of membership in the North Atlantic Treaty Organization, Congress calls for the timely admission of Albania, Croatia, Georgia, and Macedonia to the North Atlantic Treaty Organization to promote security and stability in Europe.

(20) The North Atlantic Treaty Organization heads of state and government will hold a North Atlantic Treaty Organization Summit in Riga, Latvia, in November 2006.

SEC. 3. DECLARATIONS OF POLICY.

Congress—

(1) reaffirms its previous expressions of support for continued enlargement of the North Atlantic Treaty Organization contained in the NATO Participation Act of 1994, the NATO Enlargement Facilitation Act of 1996, the European Security Act of 1998, and the Gerald B. H. Solomon Freedom Consolidation Act of 2002;

(2) supports the commitment to further enlargement of the North Atlantic Treaty Organization to include European democracies that are able and willing to meet the responsibilities of Membership, as expressed by the Alliance in its Madrid Summit Declaration of 1997, its Washington Summit Communiqué of 1999, its Prague Summit Declaration of 2002, and its Istanbul Summit Communiqué of 2004; and

(3) endorses the vision of further enlargement of the North Atlantic Treaty Organization articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and urges our allies in the North Atlantic Treaty Organization to work with the United States to realize a role for the North Atlantic Treaty Organization in promoting global security, including continued support for enlargement to include qualified candidate states, specifically by entering into a Membership Action Plan with Georgia and recognizing the progress toward meeting the responsibilities and obligations of NATO membership by Albania, Croatia, Georgia, and Macedonia at the NATO Summit in Riga, Latvia.

SEC. 4. DESIGNATION OF ALBANIA, CROATIA, GEORGIA, AND MACEDONIA AS ELIGIBLE TO RECEIVE ASSISTANCE UNDER THE NATO PARTICIPATION ACT OF 1994.

(a) DESIGNATION.—

(1) ALBANIA.—The Republic of Albania is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note), and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(2) CROATIA.—The Republic of Croatia is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(3) GEORGIA.—Georgia is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(4) MACEDONIA.—The Republic of Macedonia is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(b) RULE OF CONSTRUCTION.—The designation of the Republic of Albania, the Republic of Croatia, Georgia, and the Republic of Macedonia pursuant to subsection (a) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(1) is in addition to the designation of Poland, Hungary, the Czech Republic, and Slovenia pursuant to section 606 of the NATO Enlargement Facilitation Act of 1996 (title VI of section 101(c) of title I of division A of Public Law 104–208; 22 U.S.C. 1928 note), the designation of Romania, Estonia, Latvia, Lithuania, and Bulgaria pursuant to section 2703(b) of the European Security Act of 1998 (title XXVII of division G of Public Law 105–277; 22 U.S.C. 1928 note), and the designation of Slovakia pursuant to section 4(a) of the Gerald B. H. Solomon Freedom Consolidation Act of 2002 (Public Law 107–187; 22 U.S.C. 1928 note) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994; and

(2) shall not preclude the designation by the President of other countries pursuant to section 203(d)(2) of the NATO Participation Act of 1994 as eligible to receive assistance under the program established under section 203(a) of such Act.

SEC. 5. AUTHORIZATION OF SECURITY ASSISTANCE FOR COUNTRIES DESIGNATED UNDER THE NATO PARTICIPATION ACT OF 1994.

Of the amounts made available for fiscal year 2007 under section 23 of the Arms Export Control Act (22 U.S.C. 2763)—

(1) $3,200,000 is authorized to be available on a grant basis for the Republic of Albania;

(2) $3,000,000 is authorized to be available on a grant basis for the Republic of Croatia;

(3) $10,000,000 is authorized to be available on a grant basis for Georgia; and

(4) $3,600,000 is authorized to be available on a grant basis for the Republic of Macedonia.

SEC. 6. SENSE OF CONGRESS.

Congress affirms that it stands ready to consider, and if all applicable criteria are satisfied, to support efforts by Ukraine to join the North Atlantic Treaty Organization, should Ukraine decide that is wishes to pursue membership in the Alliance.

ORDERS FOR FRIDAY, DECEMBER 8, 2006

Mr. DEWINE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, December 8. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business until 10:30 a.m., with the time until 10:30 a.m. equally divided between the two leaders or their designees; further, that at 10:30, the Senate proceed to executive session for the cloture vote on the nomination of Kent Jordan to be U.S. Circuit Judge for the Third Circuit.

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

PROGRAM

Mr. DEWINE. Mr. President, there are many critical legislative and executive items that must be completed before the Senate adjourns sine die. On behalf of the majority leader, I ask Senators on both sides of the aisle to be prepared for a busy day tomorrow. Before we adjourn, the leaders announced that we will complete action on a continuing resolution, a tax extenders package, nominations, and a number of other legislative items that both sides are attempting now to clear for action. The majority leader has indicated there is still a hope to complete our business tomorrow, but the Senate will remain in session into the weekend if necessary in order to finish our work.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DEWINE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:10 p.m., adjourned until Friday, December 8, 2006, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate December 7, 2006:

THE JUDICIARY

THOMAS ALVIN FARR, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA, VICE MALCOLM J. HOWARD, RETIRED.

CONFIRMATION

Executive nomination confirmed by the Senate December 7, 2006:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ANDREW VON ESCHENBACH, OF TEXAS, TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.